



## Russia

### Country Reports on Human Rights Practices - [2001](#)

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The 1993 Constitution established a governmental structure with a strong Head of State (a president), a government headed by a Prime Minister, and a bicameral legislature (Federal Assembly) consisting of the State Duma (lower house) and the Federation Council (upper house). The Duma has a strong pro-Presidential center that puts majority support within reach for almost all presidential priorities. Both the President and the Duma were selected in competitive elections, with a broad range of political parties and movements contesting offices. President Vladimir Putin was elected in March 2000, and Prime Minister Mikhail Kasyanov took office in May 2000. Both the presidential elections and the December 1999 Duma elections were judged by international observers to be largely free and fair, although in both cases pre-election manipulation of the media was a problem. The judiciary, although seriously impaired by a lack of resources and by high levels of corruption, continued to show signs of limited independence and was undergoing reforms.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of Government. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operates with only limited oversight by the Procuracy and the courts. The primary mission of the armed forces is national defense, although they have been employed in local internal conflicts, and they are available to control civil disturbances. Internal security threats in parts of the Russian Federation increasingly have been dealt with by militarized elements of the security services. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous, serious human rights abuses.

The country has a total population of approximately 144 million. The economy continued to grow strongly, although at a slower rate than in 2000. The gross domestic product (GDP) figure for 2000 was recalculated to show an 8.3 percent growth rate, and growth during the year was estimated to be 5 percent. Industrial production growth was estimated to be 4.9 percent. GDP was \$224.3 billion for the first 11 months of the year. During the same period, total foreign investment grew by 23 percent and equaled \$9.7 billion (283 billion rubles). A significant part of this investment was portfolio investment (principally oil company stocks). In 2000 inflation reached 20.2 percent and was estimated at 18.6 percent at year's end. An increase in domestic demand continued to spur economic growth, partially compensating for a decline in net exports during the first half of the year. Real income grew during the year by 6.5 percent, compared with 2000. Average wages increased to \$143 (4,294 Rubles) per month compared with \$89 (2,492 Rubles) per month in 2000; however, approximately 27 percent of citizens continued to live below the official monthly subsistence level of \$52 (1,574 rubles). Official unemployment was 9 percent at year's end, down from 10.2 percent at the end of 2000. Reported levels of barter transactions--which make up an important but declining element in the economy--continued to fall during the year. The sectors moving most quickly to cash-only transactions included chemicals, petrochemicals, machinery, and light industry. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in some areas, serious problems remain in many areas. Its record was poor regarding the independence and freedom of the media. Its record was poor in Chechnya, where the federal security forces demonstrated little respect for basic human rights and there were credible reports of serious violations, including numerous reports of extrajudicial killings by both the Government and Chechen fighters. Hazing in the armed forces resulted in a number of deaths. There were reports of government involvement in politically motivated disappearances in Chechnya. There were credible reports that law enforcement personnel regularly tortured, beat, and otherwise abused detainees and suspects. Arbitrary arrest and detention and police corruption remained problems. The Government prosecuted some perpetrators of abuses, but many officials were not held accountable for their actions.

Lengthy pretrial detention remained a serious problem. Prison conditions continued to be extremely harsh and frequently life threatening. Existing laws on military courts, military service, and the rights of service members often contradict the Constitution, federal laws, and presidential decrees, raising arbitrary judgments of unit commanders over the rule of law. The Government made some progress during the year with implementation of constitutional provisions for due process and fair and timely trial; however, the judiciary continued to lack resources, suffered from corruption, and remained subject to some influence from other branches of the Government. A series of so-called espionage cases continued during the year and raised concerns regarding the lack of due process and the influence of security services in court cases. Authorities continued to infringe on citizens' privacy rights.

Despite the continued wide diversity of press, government pressure on the media increased and resulted in numerous restrictions on the freedom of speech and press. The Government generally respected freedom of assembly; however, at times this right was restricted at the local level. The Government does not always respect the Constitutional provision for equality of religions, and in some instances local authorities imposed restrictions on some religious groups. Despite constitutional protections for citizens' freedom of movement, the Government placed some limits on this right; some regional and local authorities (most notably the city of Moscow) restricted movement in particular by denying local residency permits to new settlers from other areas of the country. Government institutions intended to protect human rights are relatively weak, but remained active and public.

Violence against women and abuse of children remained problems, as did discrimination against women. Persons with disabilities continued to face problems from both societal attitudes and lack of governmental support. Societal discrimination, harassment, and violence against members of some religious minorities remained a problem. Ethnic minorities, including Roma and persons from the Caucasus and Central Asia faced widespread governmental and societal discrimination, and at times violence. There are some limits on worker rights, and there were reports of instances of forced labor and child labor. Trafficking in persons, particularly women and young girls, was a serious problem.

Chechen fighters reportedly committed abuses, including killing captured civilians and federal security forces, and kidnaping individuals, particularly to obtain a ransom. Government officials accused rebel factions of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999 and continuing into the year; hundreds of civilians were killed or injured. During the year, the Government convicted several persons in connection with these bombings.

## RESPECT FOR HUMAN RIGHTS

### Section 1. Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by the Government or its agents; however, during the fighting in Chechnya, there were credible reports that the armed forces used indiscriminate force at various times in areas with significant civilian populations, resulting in numerous deaths (see Section 1.g.). There also were credible reports that the federal armed forces engaged in extrajudicial killings in Chechnya.

An estimated 10,000 to 11,000 detainees and prisoners died during the year (see Section 1.c.). Most died as a result of overcrowding, poor sanitary conditions, or lack of medical care (the leading cause of death was heart disease), although some died due to beatings.

Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.).

During the year, the Moscow okrug military court resumed a trial against five former military intelligence officers accused of organizing the 1994 killing of journalist Dmitriy Kholodov. A sixth defendant, the head of a bodyguard agency, was charged with complicity (see Section 2.a.). A suitcase bomb killed Kholodov in 1994; at the time of his killing, he was investigating widespread corruption among the military leadership.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since August 1999 (see Section 1.g.); there have been a significant number of civilian landmine casualties in Chechnya and Dagestan. In 2000 66 persons were killed and 166 injured in incidents involving landmines. Rebels frequently used radio-detonated mines against vehicles carrying military personnel.

The press and media nongovernmental organizations (NGO's) reported a number of killings of journalists killed presumably because of their work (see Section 2.a.).

A number of government officials were murdered throughout the country; some of these killings appear to have been politically motivated, either connected with the ongoing strife in Chechnya, or with local politics. For example, on October 30, an unknown person fatally shot the Vice Speaker of the Dagestani Parliament Arsen Kammayev and a prominent local banker near the Vice Speaker's home. According to NTV, in November, the head of the local Novolaksk Agricultural Administration, Saygid-Batal Uzunayev, admitted to hiring the killer, claiming that he did so to preempt his own contract killing by Kammayev's agent.

On November 2, unknown persons fatally shot Sergey Balashov, Deputy Prefect of Moscow's Western Okrug, in charge of housing affairs, in front of the prefecture building. In December the local procurator stated that he believed the killing was a contract killing most likely related to the victim's professional activity; at year's end, an investigation into the killings continued. Other similar killings include the February 14 killing of Lema Temirgeryev, the local administrator of the village of Agish-Bito in Chechnya; the July 24 killing of First Deputy Prefect of Moscow's Zelenogradskiy Okrug Leonid Oblonskiy; and the August 7 killing of the Deputy Mayor of Novosibirsk Igor Belyakov.

There have been no developments in the December 5, 2000, killing of the Mayor of Murom, Petr Kaurov. There also were no developments in the 2000 killing of Svetlana Semenova, regional coordinator for the political party Union of Right Forces (SPS); it was not clear whether these killings were politically motivated. During the year, the police released Semenova's husband, who was the main suspect in the case.

According to Human Rights Watch, no one has been held accountable for the extrajudicial killings of 130 civilians in Alkhan-Yurt, Staropromyslovskiy, and Novye Aldi in 1999 and 2000. In February a mass grave containing approximately 50 bodies, including the bodies of several women, was discovered near the federal military base in Khankala. Some of the bodies showed that the victims had been shot in the back of the head and had their hands bound. Two of the corpses had ears cut off. Relatives identified several bodies as belonging to family members who had been detained by units of the federal forces the previous year, at times when there was no military activity in the area. Military sources and the Chechen procurator's office stated that the gravesite was more than a year old (predating the establishment of the federal military base), and that the bodies belonged to Chechen rebels who had been fighting among themselves; however, local forensic experts determined that the corpses were less than a year old.

There were no developments in the 1999 killing of St. Petersburg Deputy Mayor Mikhail Manevich. In the case of the St. Petersburg Liberal Democratic Party (LDPR) leader Gennadiy Tuganov, killed in 1999, police completed their investigation but failed to identify who hired the killer. In the case of St. Petersburg legislative assembly Deputy Viktor Novoselov, killed in October 1999, police arrested four persons--three of whom were described as professional killers--but had no information on who hired the killers. At year's end, a trial date had been set for January 2002 in the St. Petersburg city court.

In May the FSB stated that it was extending by another 6 months its investigation of the 1998 killing of Galina Starovoytova, a prominent Duma deputy; however, family members and some activists expressed skepticism at that the Government was investigating the killing fully.

Attacks on ethnic or racial minorities and asylum seekers resulted in some deaths (see Section 5).

There were credible press reports that Chechen fighters tortured and killed a number of civilians and federal soldiers. In the summer, Chechen rebels increased their killings of village officials and militia associated with the Russian-appointed Chechen administration. For example, on September 10, separatists shot and killed the Mayor of Oktyabrskoye village Bukara Akhmatov. Chechen fighters summarily executed federal soldiers whom they took prisoner (see Section 1.g.). Religious and secular figures also were kidnaped and killed in Chechnya during the year (see Sections 1.b., 1.c., and 5).

Government officials accused Chechens of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999. Since that time, authorities have attributed bombing incidents in Dagestan and several cities in southern areas of the country to Chechen rebels. For example, on March 24, there were explosions in Stavropol and Karachayevo-Cherkessiya in which 21 persons were killed and 150 others were injured. During the year, authorities tried and convicted a number of persons for bombings and other acts of separatist violence around the country. For example, on December 11, the Stavropol Territorial Court sentenced five persons from the northern Caucasus to prison terms averaging from 9 to 15 years for their involvement in two September 1999 Moscow apartment bombings. In December a court in Makhachkala, in Dagestan, sentenced Chechen rebel Salman Raduyev to life in prison for crimes of murder, terrorism, and hostage-taking committed during the first Chechen conflict.

#### b. Disappearance

There were reports of government involvement in politically motivated disappearances in Chechnya; however, there were fewer reports of kidnappings than in previous years. The NGO Memorial claimed that federal military forces have detained a total of 15,000 persons from Chechnya. Many of these persons disappeared, but most were released, often after their relatives paid a bribe. Memorial estimated that the number of individuals unaccounted for was somewhere between several hundred and a thousand. In March Human Rights Watch released a report titled "The Dirty War in Chechnya: Forced Disappearance, Torture and Summary Executions," which detailed the cases of at least 52 individuals who were in the custody of government authorities when they disappeared. Human Rights Watch believes that the total number of persons who disappeared is much higher. The mutilated bodies of some of those who disappeared later were found in unmarked graves in Chechnya, and showed signs of torture. According to one NGO, Belyy Platok, some federal forces also kidnapped children in Chechnya for ransom (see Section 5).

There were no developments in the ongoing criminal investigation into the disappearance of former speaker of the Chechen parliament and former field commander Ruslan Alikhadzhiyev. In May 2000, Alikhadzhiyev allegedly was detained in Shali by federal forces. In September 2000, the news agency Agence France Presse, citing sources close to the Chechen leadership, reported that Alikhadzhiyev had died of a heart attack in the Lefortovo pretrial detention facility in Moscow. Those sources claimed that federal authorities officially had notified the detainee's relatives of his death; however, soon afterward the news daily Izvestiya reported that Alikhadzhiyev never had been brought to Lefortovo. In October the news daily Moskovskiy novosti reported that there had been no developments in the case, despite a criminal investigation opened by the Shali regional procurator in 2000.

A September report from the office of Vladimir Kalamonov, the President's Special Representative for Human Rights in Chechnya, stated that, since it began operations in February 2000, the office had received complaints of 959 disappearances. According to the office, 401 persons were located, 18 of whom were dead. Criminal investigations were being carried out in 234 of the cases, and searches for missing persons in 324 cases.

In January a rebel band seized a foreign humanitarian assistance worker in Chechnya and held him for a few weeks before releasing him unharmed.

In August former Chechen Interior Minister Said-Selim Baytsev told the weekly magazine Vlast that federal armed forces general Gennadiy Shpigun, whom Chechen rebels had kidnapped in 1999, died in a forest in Chechnya in March 2000 after being beaten by his kidnapers.

Criminal groups in the Northern Caucasus, some of which may have links to elements of the rebel forces, frequently resorted to kidnapping. The main motivation behind such cases apparently is ransom, although some cases have political or religious overtones. Many of the hostages were being held in Chechnya or Dagestan.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there were credible reports that some law enforcement personnel used torture regularly to coerce confessions from suspects, and that the Government does not hold most officials accountable for such actions.

Prisoners' rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. Human rights groups describe the practice of torture as widespread. In 2000 human rights Ombudsman Oleg Mironov estimated that 50 percent of prisoners with whom he spoke claimed to have been tortured. Numerous press reports indicated that the police frequently strike persons with little or no provocation or use excessive force to subdue arrestees. Reports by refugees, NGO's, and the press suggested a pattern of beatings, arrests, and extortion by police against persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa (see Section 5). Press reports and human rights groups indicated that police in some parts of the country also used beatings and torture as part of investigative procedures as well. Police also continued to harass defense lawyers, including through beatings and arrests, and intimidated witnesses (see Section 1.e.).

Torture by police officers usually occurs within the first few hours or days of arrest and usually takes one of four forms: beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (sometimes filled with mace); electric shocks; or suspension of body parts (e.g. suspending a victim from the wrists, which are tied together behind the back). Allegations of torture are difficult to substantiate because of lack of access by medical professionals and because the techniques used often leave few or no permanent physical traces.

There were credible reports that government forces and Chechen fighters in Chechnya tortured detainees (see

Section 1.g.).

Government agencies such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by foreign governments; however, security forces remained largely unreformed. Torture is not defined in the law or the Criminal Code--it only is mentioned in the Constitution; as a result, it is difficult to charge perpetrators. Police only may be accused of exceeding granted authority.

Under the "Operation Clean Hands" program, MVD officials continued to combat police crime. A Ministry of Justice official estimated that during the first 9 months of the year, the number of cases initiated against police personnel was similar to the number registered during the same period in 2000. For example, on September 18, the Primorye regional court convicted seven Vladivostok police officers of abuse of office and one chief of the city police department's criminal investigation division of coercing false testimony. Each officer received a suspended sentence of 3 1/2 to 5 years, and the court ordered the defendants to pay each of the plaintiffs \$3,395 (100,000 rubles) in moral damages. The plaintiffs were two Far Eastern Marine Academy cadets who testified that in 1998 police detained them at random and beat them severely over the course of 4 days to extract a confession for a crime they had not committed.

Various abuses against military servicemen, including but not limited to the practice of "dedovshchina" (the violent, sometimes fatal hazing of new junior recruits for the armed services, MVD, and border guards), continued during the year. Press reports citing serving and former armed forces personnel, the Military Procurator's Office, and NGO's monitoring conditions in the armed forces indicated that this mistreatment often includes the extortion of money or material goods in the face of the threat of increased hazing or actual beatings. Press reports also indicated that this type of mistreatment resulted in permanent injuries and deaths among servicemen. Soldiers often do not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerate or even encourage such hazing as a means of controlling their units. There also were reports that officers used beatings to discipline soldiers whom they find to be "inattentive to their duties." The practice of hazing reportedly was a serious problem in Chechnya, particularly where contract soldiers and conscripts served together.

Both the Union of Soldiers' Mothers Committee (USMC) and the Main Military Procurator's Office (MPPO) received numerous reports about "nonstatutory relations" in which officers or sergeants physically assaulted or humiliated their subordinates. This tendency commonly is attributed to stressful conditions throughout the armed forces--for example, degrading and substandard living conditions persist throughout the armed forces--and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, in primary troop leadership positions.

Despite the acknowledged seriousness of the problem, the leadership of the armed forces has made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse. Their limited efforts were due at least in part to lack of funding and to the leadership's preoccupation with urgent reorganization problems and the fighting in Chechnya. The MMPO continued to cooperate with the USMC to investigate allegations of abuse and in 2000 established telephone and postal "hot lines" to receive reports directly from soldiers. Nonetheless, the USMC believes that most hazing incidents and assaults are not reported, due to a fear of reprisals, the indifference of commanders, and deliberate efforts to cover up such activity.

There were reports that the corruption of government officials facilitated trafficking in persons (see Section 6.f.).

During the year, members of ethnic or racial minorities were victims of beatings, extortion, and harassment by "skinheads" and members of other racist and extremist groups.

Prison conditions remained extremely harsh and frequently life threatening. The Ministry of Justice administers the penitentiary system centrally from Moscow. The Ministries of Justice, Health, Defense, and Education all maintain penal facilities. There are five basic forms of custody in the criminal justice system: Police detention centers, pretrial detention facilities (SIZO's), correctional labor colonies (ITK's), prisons designated for those who violate ITK rules, and educational labor colonies (VTK's) for juveniles. Responsibility for operating the country's penal facilities falls under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN).

The Government does not release statistics on the number of detainees and prisoners who were killed or died or on the number of law enforcement and prison personnel disciplined. The PCPR estimates that 10,000 to 11,000 prisoners die annually in penitentiary facilities, 2,500 of them in SIZO's. Most died as a result of overcrowding, poor sanitary conditions, or lack of medical care (the leading cause of death was heart disease),

but some died due to beatings. The press often reports on individuals mistreated, injured, or killed in various SIZO's; some of the reported cases indicate habitual abuse by the same officers.

Violence among inmates, including beatings and rape, was common. There are elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others are considered to be "untouchable" and are treated very harshly, with little or no protection provided by the prison authorities.

The country's penal institutions remained extremely overcrowded. The GUIN stated that the system of SIZO's was at 151.2 percent of capacity at year's end. Many of the facilities were in urgent need of renovation and upgrading. According to the PCPR, between January and September 2000, the prison population fell from approximately 728,000 persons to approximately 675,000 persons, mainly due to amnesties; however, the population has risen since that time. According to GUIN statistics as of September 1, there were 991,156 persons in penitentiary institutions, 671,401; were in correctional colonies (including 39,470 women); 18,910 were in educational colonies (including approximately 1,000 girls); and 244,773 were in SIZO's or prisons. By law inmates must be provided with adequate space, food, and medical attention; however, the authorities were not able to ensure compliance with the law, due in part to lack of funds, and in part to the judiciary's often arbitrary decisions to order suspects held in pretrial detention facilities, and a very large prison population.

Inmates in the prison system often suffer from inadequate medical care. According to the GUIN, as of September 1, there were approximately 86,000 tuberculosis-infected persons and 21,576 HIV-infected persons in SIZO'S and correction colonies. Public health measures, funded by international aid and the doubling of government resources for the prison system's medical budget, have effected a limited reversal of the spread of tuberculosis but have not contained the spread of HIV. Prisoners with HIV/AIDS are not housed in separate facilities because of space shortages. Detention facilities have tuberculosis infection rates far higher than in the population at large. The Saratov Oblast administration, concerned with the tuberculosis crisis in its facilities, fully funds the tuberculosis-related medicinal needs of prisoners, according to the PCPR.

According to the PCPR, conditions in penal facilities vary among the regions. Some regions offer assistance in the form of food, clothing, and medicine. NGO's and religious groups offer other support.

Conditions in police station detention centers vary considerably but generally were harsh. In most cases, detainees lacked bedding, places to sleep, running water, toilets, showers, and adequate nutrition.

Suspects awaiting the completion of a criminal investigation, trial, sentencing, or appeal, are confined in a Special Isolation Facility (SIZO), which is a pretrial detention facility. Persons can spend up to 3 years awaiting trial in a SIZO; however, the new criminal procedure code places statutory limits on pretrial detention (see Section 1.d.). Convicts on occasion are imprisoned in SIZO's because there is no transport to take them elsewhere. Conditions in SIZO's remained extremely harsh and posed a serious threat to life and health. Health, nutrition, and sanitation standards in SIZO's remained low due to a lack of funding. Head lice, scabies, and various skin diseases were prevalent. Prisoners and detainees typically relied on families to provide them with extra food. Under such conditions, prisoners sleep in shifts, and there is little, if any, room to move within cells. In most pretrial detention centers and prisons, there is no ventilation system. Poor ventilation is thought to contribute to cardiac problems and lowered resistance to disease. Cells are overcrowded and stiflingly hot in the summer.

Pretrial detention conditions are so substandard that defendants sometimes claim to confess simply to be moved to comparatively less harsh prison conditions. Defendants who retract confessions made under these conditions usually are ignored, as are those who attempt to retract confessions they claim they were coerced to make (see Section 1.e.).

Correctional labor colonies (ITK's) hold the bulk of the nation's convicts. There are 749 ITK's, which are as crowded as SIZO's. Guards reportedly severely discipline prisoners to break down resistance; at times guards humiliated, beat, and starved prisoners. According to the PCPR, conditions in the ITK's are better than in the SIZO's to the extent that there is fresh air. In the timber correctional colonies, where hardened criminals serve their time, beatings, torture, and rape by guards reportedly were common. On September 11, procurators in Perm announced that they had brought charges of mistreating inmates against Special Forces Commander Sergey Bromberg, head of the strict regime prison colony at Chepets. Along with seven masked members of his unit, Bromberg was suspected of beating inmates at the prison colony. In October the Procurator announced that he had completed his investigation; however, there were no reports that a trial had begun by year's end. The country's "prisons"--distinct from the labor colonies or the ITK's--are penitentiary institutions for those who repeatedly violate the rules in effect in the ITK's.

Educational labor colonies for juveniles (VTK's) are facilities for prisoners from 14 to 20 years of age. In

September GUIN reported that there were 64 educational colonies, 3 of which were for girls. Conditions in the VTK's are significantly better than in the ITK's, but juveniles in the VTK's and juvenile SIZO cells reportedly also suffer from beatings, torture, and rape. The PCPR reports that such facilities have a poor psychological atmosphere and lack educational and vocational training opportunities. Many of the juveniles are from orphanages, have no outside support, and are unaware of their rights. There also are two prisons for children in Moscow. Boys are held with adults in small, crowded, and smoky cells. Schooling in the prisons for children is sporadic at best, with students of different ages studying together when a teacher can be found.

In April the President, addressing the Federal Assembly, described the problem of disease in the prison system as a potential "Chernobyl." He stated that the Government was not in a position to ensure standard conditions of detention in penitentiary institutions and that the system's problems have become a national concern. According to the PCPR, in order to forestall a crisis, the system must either fund massive new construction and reconstruction of facilities--which is unrealistic under the country's economic conditions--or reduce the prison population.

To alleviate overcrowding, the Government announced an amnesty on September 1. According to the PCPR, more than 99,000 inmates were released (358 of them were juveniles). At year's end, the Duma had passed an amnesty bill affecting approximately 14,000 women and 10,000 child prisoners; however, statistics on the actual number released were unavailable at year's end. While amnesties have affected the overall number of prisoners, by most accounts the greater decrease was due to the increased use of alternative punishments such as selective parole for certain offenses. In Murmansk the local office of the Ministry of Justice actively pursued alternative punishments, and many convicted offenders are given sentences not involving incarceration.

The Government permits the International Committee of the Red Cross (ICRC) to work throughout the country and the ICRC is active especially in the northern Caucasus. The ICRC carried out regular prison visits, but by agreement with the Government, the ICRC's findings were kept confidential. The ICRC provides advice to authorities on how to improve prison conditions. The Government has allowed ICRC access to some facilities in the northern Caucasus where Chechen detainees are held; however, the pretrial detention centers and filtration camps for suspected Chechen fighters are not always accessible to human rights monitors (see Section 1.g.).

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remained serious problems. The Constitution requires a judicial decision to make an arrest, take someone into custody, or detain someone suspected of crimes, and in December the legislature approved a new Criminal Procedure Code that provides for these protections; however, the new Code was not scheduled to begin being phased in until 2002, and authorities widely ignored existing provisions against arbitrary arrest and detention.

During the year, the court system continued to be governed both by the 1996 Criminal Code, and the amended Soviet Criminal Procedure Code. According to the Constitution, arrests, police detention, and searches require judicial approval; however, the Constitution also states that until the Criminal Procedure Code is brought into conformity with the Constitution, existing legislation--which provides for the Procuracy rather than courts to approve arrests and searches--remains in effect.

In the absence of measures to implement the procedural safeguards contained in the Constitution, suspects often were subjected to uneven and arbitrary treatment by officials acting under the Criminal Procedure Code and presidential decrees. Procurators were able to issue orders of detention without judicial approval and police detained suspects for up to 48 hours without a warrant.

The PCPR has reported terms of pretrial detention extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases the PCPR reports total pretrial and during trial detention periods of up to 5 years due to financial constraints and poor investigative and court work. Most suspects are released on their own recognizance if they sign a promise not to leave a specified location, or if another person signs a promise that the suspect will appear for trial. Nonetheless, procurators often acted arbitrarily in ordering suspects to be kept in pretrial detention, creating the potential for abuse, corruption, and bribery. This aggravates overcrowding in pretrial detention and, due to delays in bringing cases to trial, often result in pretrial detentions that exceed the maximum sentence for the charges faced by suspects accused of minor crimes. In juvenile prisons, inmates may await trial and sentencing up to several years.

In September the European Court of Human Rights (ECHR) in Strasbourg accepted the claim of Magadan businessman Viktor Kalashnikov that his rights under the European Convention had been violated both by the inhuman conditions of his detention (pretrial and trial) and by the excessive length of the detention period.

Extensions of the investigation period often are issued without explanation to the detainee. Until the investigation is completed, the suspect is under the jurisdiction of the Procurator's office, the Ministry of Justice, and the Ministry of Internal Affairs. Many suspects do not exercise their right to request judicial review of their detention due to fear of angering the investigating officer. There is no formal procedure for a suspect to plead guilty during the investigative period, although if a suspect informs the investigator that he is guilty, the period of the investigation usually is shorter than if he maintains his innocence.

There also were many credible reports that persons were detained far in excess of the period permitted for administrative offenses, in some cases so that police officials could extort money from friends or relatives of detainees. The practice of detaining individuals arbitrarily for varying periods of time, both within and in excess of permissible periods, is common, and often resolved only with bribes.

Often families are denied access to suspects in police detention; however, they generally have access to their relatives in pretrial detention.

The Constitution and the Criminal Procedure Code state that detainees are entitled to have a lawyer present from the time of detention, during questioning following detention, and throughout investigation up to and including the formal filing of charges; this procedure generally is followed in practice. The PCPR reports that detainees are given the opportunity to have access to a lawyer in accordance with their rights; however, it notes that the high cost of legal representation and the poor quality of court-appointed public defenders for those lacking the funds to engage counsel effectively deny most suspects competent legal representation (see Section 1.e.). As a result, many prisoners do not attempt to exercise this right because they believe such efforts to be futile. In many cases NGO's reported that investigators deny access to counsel by various means, including restrictions on the time when the suspect can see his lawyer (which may mean that the lawyer has to wait for days to get a meeting with the client). In October the Constitutional Court ruled that restrictions on lawyers' access to their clients held in pretrial detention centers were unconstitutional. A March amendment to the Criminal Procedure Code allows defendants immediate access to counsel when they have been arrested and referred for a psychiatric examination; this amendment was scheduled take effect in January 2002.

A new Criminal Procedure Code, passed by the Duma in March, was scheduled to be phased in between 2002 and 2004. The new Code stipulates that if the police have probable cause to believe that a suspect has committed a crime, or that the suspect is an imminent threat to others, they may detain him for only 24 hours, during which time they must notify the procurator, who then has 48 hours to confirm the charge or release the suspect. The new Criminal Procedure Code also will require that the Procuracy obtain a judicial order for arrest, search, or seizure. The new Criminal Procedure Code also calls for relatives to be notified of a suspect's arrest within 12 hours and that suspects have access to prompt counsel and prior to the first questioning. Under the amendment, pretrial detention for crimes carrying a sentence of less than 2 years is prohibited, unless the defendant poses a demonstrable flight risk; detention during trial is limited to 6 months, except where "particularly grave crimes" are involved. The new Criminal Procedure Code specifies that within 2 months of a suspect's arrest, police should complete their investigation and transfer the file to the procurator for arraignment. The new Code provides that a procurator may extend the period of criminal investigation to 6 months in "complex" cases. With the personal approval of the Procurator General, that period may be extended up to 18 months. Some suspects spend 18 months or longer in detention under harsh conditions in a SIZO while the criminal investigation is conducted (see Section 1.c.). Juveniles may only be detained in cases of grave crimes. The new Criminal Procedure Code includes a formal procedure for pleading guilty and includes incentives such as shorter sentences as well as shorter trials.

There were credible reports from throughout the country that police detained persons without observing mandated procedures and failed to issue proper arrest warrants or receipts for confiscated property. This especially was true for persons from the Caucasus. There were credible reports that security forces continued regularly to single out persons from the Caucasus for document checks, detention, and the extortion of bribes. According to NGO's, federal forces commonly detained groups of Chechen men at checkpoints along the borders and during "mop-up" operations following military hostilities and severely beat and tortured them.

Some regional and local authorities have taken advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in the regions have been charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Journalists, among others, have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Sections 2.a. and 4). Police reportedly planted drugs and other false evidence as pretexts for arrests, and arrested and detained persons based on their political views and religious beliefs. On June 6, officials at Sheremetyevo airport in Moscow detained human rights activist Sergey Grigoryants, ostensibly for currency violations. His detention came 2 days after he publicly accused the FSB of harassing youth groups that did not maintain their loyalty to the Government. Grigoryants was on his way to a conference in the U.S., where he planned to deliver a critical paper on current domestic developments. After nearly 5 hours of detention, Grigoryants'



lawyer secured his release, and Grigoryants was able to travel to the conference the following day.

On October 13, members of the Sunzhen regional department of the Interior Ministry in Ingushetiya detained the regional director of the Russian-Chechen Friendship Society (ORCD), Imran Ezhiyev. The ORCD publicizes alleged abuses by federal military forces related to the conflict in Chechnya. Human rights activist Yelena Bonner, the International Helsinki Federation, the Norwegian Helsinki Committee, the Moscow Helsinki Group, and others protested Ezhiyev's detention. According to the ORCD, on November 13, after having him held for 1 month without charge, local authorities released Ezhiyev and apologized officially on behalf of President Putin for his unlawful detention. The authorities reportedly denied him medical care during his detention.

In February in a high profile case that was brought to the attention of the President, federal army soldiers detained overnight the well-known Novaya Gazeta reporter Anna Politkovskaya, who was in Chechnya attempting to investigate reports of torture and rape by the federal military. She was charged with violating accreditation procedures and regulations imposed by the military command (see Section 2.a.).

In June 2000, Taisa Isayeva, a Chechen journalist, who works for the Chechen Press agency based in Georgia, was arrested and detained at the Nizhniy Zaramag border checkpoint, between Russian North Ossetiya and Georgian South Ossetiya because she was carrying a video camera and a portable computer.

There were several detentions in relation to "espionage" cases involving foreigners who worked with Russians, and vice versa, who had obtained information that the authorities considered sensitive (see Section 1.e.). For example, in July 1999, the secret services arrested Vladivostok environmental scientist Vladimir Soyfer. Soyfer and his colleagues had been engaged in measuring the radioactive contamination resulting from a 1985 nuclear submarine accident in Chazhma Bay. A number of organizations, including the Committee of Concerned Scientists, contacted the authorities to urge them to stop their efforts to prevent the dissemination of information on environmental pollution. Reports indicate that in August, the FSB dropped its charges against Soyfer. He since has resumed his research and was suing the newspaper Obshchaya Gazeta for slander on its reporting of his case.

On December 25, the Pacific Military Court in Vladivostok sentenced Grigoriy Pasko a military journalist and active-duty officer in the Pacific Fleet to 4 years' imprisonment on one count of espionage. At year's end, Pasko was being held in solitary confinement in a Vladivostok jail. Many NGO's criticized the December 25 court decision, as did the speaker of the Federation Council (see Section 1.e.).

In June 2000, authorities detained Media-Most chairman Vladimir Gusinskiy in Moscow's Butyrka Prison for 3 days, in connection with the General Procuracy's criminal fraud case against him (see Section 2.a.). In July of that year, shortly after the Procuracy dropped its criminal case against him, Gusinskiy left the country. Later in 2000, the General Procuracy cited Gusinskiy's refusal to appear for further questioning on a broader criminal fraud case against Media-Most as grounds for seeking his extradition. Gusinskiy spent several months under house arrest in Spain while Spanish officials considered the Government's extradition request. In April the Spanish Government denied the Russian Government's extradition request out of concern that the charges were politically motivated.

The Constitution prohibits forced exile and the Government does not use it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and there were signs of limited judicial independence; however, the judiciary does not act as an effective counterweight to other branches of the Government. Efforts to develop an independent judiciary continued. Judges remained subject to some influence from the executive, military, and security forces, especially in high profile or politically sensitive cases. The judiciary continued to lack sufficient resources and was subject to corruption.

The judiciary is divided into three branches: The courts of general jurisdiction (including military courts); subordinated to the Supreme Court; the arbitration (commercial) court system under the High Court of Arbitration; and the Constitutional Court (as well as constitutional courts in a number of administrative entities of the Russian Federation). Civil and criminal cases are tried in courts of primary jurisdiction, courts of appeals, and higher courts. The general court system's lowest level is the municipal court, which serves each city or rural district and hears more than 90 percent of all civil and criminal cases. The next level of courts of general jurisdiction is the regional courts. At the highest level is the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration court system consists of city or regional courts as well as appellate circuit courts subordinated to the High

Court of Arbitration. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the state.

Judges are approved by the President after being nominated by the qualifying collegia, which are assemblies of judges. These collegia also have the authority to remove judges for misbehavior, and to approve procurator's requests to prosecute judges.

A 1998 law established a new system of Justices of the Peace to deal with criminal cases involving maximum sentences of less than 2 years and some civil cases. There were more than 4,500 Justices of the Peace throughout the country by year's end. These judges handle a variety of civil cases as well as criminal cases. In those areas where the system of Justices of the Peace had been implemented completely, there was a significant decrease in backlogs and delays in trial proceedings, both among those cases referred to the Justices of the Peace and in the courts of general jurisdiction, because dockets were freed to accept more serious cases more rapidly. In some regions, Justices of the Peace assumed approximately half of federal judges' civil cases and up to 15 percent of their criminal matters, which eased overcrowding in pretrial detention facilities (see Sections 1.c. and 1.d.).

Low salaries and a lack of prestige made it difficult to attract talented new judges and contributed to the vulnerability of existing judges to bribery and corruption. Working conditions for judges remained poor, and support personnel continued to be underpaid. Judges remained subject to intimidation and bribery from officials and others.

The new Criminal Procedure Code passed by the legislature in March and which is scheduled to be phased in between 2002 and 2004, provides for the strengthening of the role of the judiciary in relation to the Procuracy by requiring judicial approval of arrest warrants, searches, seizures, and detention. Moreover, the new Law on the Status of Judges, approved in December, strives to eliminate subjectivity in the selection of judges, to facilitate access to the judicial profession by minimizing corruption in the appointment process, and to improve the accountability of judges by subjecting them to disciplinary and administrative liability and by introducing age limits. In addition judicial training was mandated and strengthened during the year. The new Criminal Procedure Code also broadens the jurisdiction of Justices of the Peace to all crimes with maximum sentences of less than 3 years.

The Constitution provides for the right to a fair trial; however, this right is restricted in practice. Many defendants did not attempt to exercise their right to counsel, believing that such efforts would be pointless. NGO's also reported that investigators found ways to deny suspects access to counsel, such as by restricting visiting hours. Because suspects often did not exercise their right to counsel during pretrial questioning (see Section 1.d.), many defendants recanted testimony given during pretrial questioning, stating that they were denied access to a lawyer, that they were coerced into making false confessions or statements, or that they had confessed in order to escape poor conditions in pretrial detention facilities (see Section 1.c.). Human rights monitors have documented cases in which convictions were obtained on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt.

The Criminal Code in effect during the year provided for the court to appoint a lawyer free of charge if a suspect could not afford one. An advocates' collegium president must appoint a lawyer within 24 hours after receiving such a request. However, lawyers (advocates) try to avoid these cases since the Government does not always pay them. The Society for the Guardianship of Penitentiary Institutions often is called upon by judges to provide legal assistance for suspects facing charges and trial without representation. This society operates primarily in Moscow, although it uses its connections throughout the country to appeal to legal professionals to represent the indigent. However, the high cost of competent legal representation meant that lower-income defendants often lacked legal representation.

Under the Criminal Procedure Code in effect during the year, a suspect charged with a crime punishable by a year of more in prison could be held in pretrial detention for up to 18 months and for an unlimited time during trial. Procurators delivered the case file to the court, whose responsibility it then became to prosecute the case. In many cases the procurator never attended the trial. The judge, or a panel of judges, conducted trials by asking questions based on their review of the procurator's case file. Criminal procedures were weighted heavily in favor of the procurator. Judges frequently returned poorly developed cases to the procurator's office for further investigation rather than dismiss them and offend powerful procurators, who have the power to review all such decisions themselves. In some cases, procurators reviewed a case an unlimited number of times: even after a defendant had been acquitted, the procurator could protest the acquittal and bring the case back to trial again and again.

The new Criminal Procedure Code, which was scheduled to be phased in between 2002 and 2004, provides suspects with the right to counsel no later than 24 hours after apprehension and prior to first questioning,

mandates the participation of defense counsel in all questioning if the results are to be admissible in court (unless the suspect waives his right to counsel in writing), and allows for indigent suspects to receive counsel at state expense. The new Criminal Procedure Code also introduces an adversarial system, including jury trials in all regions and in all serious criminal cases. The interests of the court will be severed from those of the procurator, and the judge will be required to serve as an impartial arbiter between the two adversaries. The new Code mandates that all regions have such adversarial jury trials in place by 2003; at year's end, such a system was functioning in 9 of the country's 89 regions. Defense attorneys, defendants, and the public favor jury trials and adversarial approach to criminal justice, while procurators and law enforcement continued to prefer the inquisitorial system of trial by judges.

Authorities abrogated due process in several "espionage" cases involving foreigners who worked with Russians, and vice versa, who allegedly had obtained information that the security services considered sensitive (see Section 1.d.). Proceedings in such cases take place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Observers believe that the security services were seeking to discourage foreigners from investigating problems that the security services considered sensitive, and were concerned by the apparently undue influence of the security services.

In February the FSB arrested a foreign scholar, John Tobin, in Voronezh on drug charges. Subsequently FSB representatives publicized allegations that Tobin had spied against Russia, although no formal espionage charges were ever filed against him. Many domestic observers considered the drug charge and the espionage allegations to be a deliberate effort to discourage Russians from contact with foreign students. Tobin was convicted on the drug charge and served a prison term that eventually was reduced by parole to 6 months. On August 2, he departed the country; on September 19, the Supreme Court refused to overturn his conviction for drug possession.

In February the FSB arrested Valentin Danilov, a Krasnoyarsk physicist, accused him of selling sensitive information to China, and charged him with espionage and fraud. Danilov's colleagues protested publicly, stating that the information had been declassified 10 years ago. On December 17, the Krasnoyarsk regional court ruled that Danilov, whose health had deteriorated during his detention, could receive hospital treatment. Danilov's trial was ongoing behind closed doors in Krasnoyarsk at year's end.

In June an FSB spokesman in Omsk accused a foreign scholar of espionage, after she tasked her Russian students with an assignment to study the economic infrastructure of the region. After considerable media scrutiny, the FSB dropped the espionage charges, stating that it had reprimanded the visiting professor.

On October 3, 2000, Primorye Regional FSB authorities opened a criminal case against Vladimir Shchurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute. He was charged with divulging state secrets, the unlawful transfer of dual use technologies, and for smuggling contraband. Shchurov denied all charges. In October the first session of his trial took place in the Primorye regional court, where the judge returned the case for additional investigation. The regional procurator's office appealed that decision, which then went to the Supreme Court for review. Shchurov has been required to obtain special permission to leave the city and has been unable to work full time.

On December 25, the Pacific Military Court in Vladivostok sentenced Grigoriy Pasko a military journalist and active-duty officer in the Pacific Fleet to 4 years' imprisonment on one count of espionage. He also was expelled from the military, deprived of his rank and honors, and ordered to pay court costs. Both Pasko's defense team and the procurator appealed the verdict and sentence to the military collegium of the Supreme Court in Moscow. Pasko originally was charged with treason and espionage after reporting on radioactive contamination caused by the Pacific Fleet's dumping of radioactive waste into the Sea of Japan. In July 1999, after 20 months in pretrial detention, he was sentenced to 3 years' imprisonment for dereliction of duty but immediately was released under a prisoner amnesty; he then filed suit to clear his name. At the behest of procurators, the military collegium of the Supreme Court then dismissed the earlier conviction, sending the case back to the Pacific Military Court to be retried for the more serious charges of espionage and treason. In September the military collegium of the Supreme Court ruled that the Ministry of Defense's use of secret regulations to construct its criminal case against Pasko was unconstitutional and directed the ministry to bring its regulations into line with the Constitution. The Committee to Protect Journalists and the Glasnost Defense Fund observed that the case continued to be a powerful disincentive to investigative reporting (see Section 2.a.). At year's end, Pasko was being held in solitary confinement in a Vladivostok jail. Many NGO's criticized the December 25 court decision, as did the speaker of the Federation Council. The Committee for the Defense of Grigoriy Pasko organized demonstrations in Vladivostok, Moscow, and several other cities to protest the decision.

In November 1999, Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute, was detained on suspicion of espionage for allegedly passing classified information about the country's nuclear weapons to a London-based firm. Witnesses testified that the accused gave state secrets to a British NGO. No information

about the specific charges was made public. Initially the case appeared to focus on his work on a study of civil-military relations funded by a foreign government; however, Sutyagin's family stated that the study did not deal in secret matters and was funded partially by the defense and foreign ministries. Sutyagin has maintained his innocence and stated that his analyses were based on open sources and not classified documents, to which he had no access. Evidence in the case is secret. According to Sutyagin's lawyers, he received copies of the detailed charges against him only in December 2000. The trial was recessed until January 9 and resumed in September, behind closed doors. On December 27, the Kaluga regional court ruled that the evidence presented by the procurator did not support the charges and returned the case to the procurator for further investigation. At year's end, Sutyagin remained in pretrial detention, and his lawyers had filed an appeal of the court's ruling that he stay in detention during the new investigation. Human rights activists complained that Sutyagin has not been afforded his full rights under the law. For example, they cite the defense's inability to cross-examine or learn the identity of witnesses for the prosecution.

Yuriy Savenko, Head of the Independent Psychiatric Association of Russia, and other human rights activists criticized the trial of Platon Obukhov, a Russian diplomat charged with espionage. Although independent psychiatrists deemed Obukhov mentally unfit to stand trial, a court-appointed commission found him competent; human rights activists charge that the evaluation was based on political considerations and pressure from the FSB. In June 2000, the Moscow city court sentenced Obukhov to 11 years in prison for espionage. In January the Supreme Court's collegium for criminal cases returned the Obukhov case to the lower court, despite the formal protest of the Procurator General's office, citing procedural irregularities. In June the Moscow city court ordered additional psychiatric evaluation, supervised by the Ministry of Health. At year's end, Obukhov was undergoing an evaluation at Moscow's Serbskiy Institute.

The Independent Council of Legal Expertise has reported that defense lawyers increasingly were the targets of police harassment, including beatings and arrests. Professional associations at both the local and federal levels have reported abuses throughout the country, charging that police tried to intimidate defense attorneys and cover up their own criminal activities.

On October 17, officials in the Procurator General's Office stated that more than 520,000 victims of Soviet political repression had been rehabilitated since the adoption in 1991 of a law requiring that their cases be reexamined. During the Soviet period, officials subjected large numbers of persons to political repression, including show trials, imprisonment, and execution.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Authorities continued to infringe on citizens' privacy rights. The Constitution states that officials may enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision and permits the Government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission. The Constitution prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent; the 1999 Law on Operational Search Activity partially implemented these provisions, and the new Criminal Procedure Code will implement more of these provisions; however, problems remained. There were reports of electronic surveillance by government officials and others. Moscow law enforcement officials reportedly entered residences and other premises without warrants. The Government never has acted against authorities who violated these safeguards.

On March 28, according to a report in the newspaper Novaya Gazeta, a group of heavily armed Interior Ministry forces from a unit charged with fighting organized crime forcibly entered a Moscow State University dormitory where students from the National Chechen Theatrical Studio Nakhi were living, without presenting a warrant. According to the report, the authorities forced all of the students to lie on the floor while they searched the room and confiscated money and various items. The security forces later forced students to go to the unit's headquarters where they detained them for hours until finally releasing them without charges.

Internet experts and right-to-privacy advocates claim that interagency technical regulations called SORM-2 (System for Operational Investigative Measures) present a serious threat to privacy rights and violate the Civil Code and the Constitution. The Ministry of Communications, the FSB, the Federal Agency of Government Communications and Information, and other agencies issue and administer these regulations, which provide a mechanism for the security services to monitor all telecommunications transmissions for investigative purposes. The regulations require a warrant to carry out such monitoring, in accordance with the Constitution and other provisions under the law; however, these regulations are not respected in practice. SORM-2 extends to the FSB the same kind of monitoring power over Internet communication as for telecommunication, but without workable provisions for judicial oversight (see Section 2.a.); there is no way to ensure that a warrant be obtained before the FSB begins monitoring Internet private communications.

Internet service providers are required to install, at their own expense, a device that routes all Internet traffic to an FSB terminal. Those providers that do not comply with the requirements face either loss of their licenses or denial of their license renewal. While SORM-2 framers claim that the regulation does not violate the Constitution or the Civil Code because it requires a court order, right to privacy advocates state that there is no mechanism to ensure that a warrant is obtained before the FSB accesses private information. There appears to be no mechanism to prevent unauthorized FSB access to Internet traffic without a warrant.

In 2000 Communications Minister Leonid Reyman issued an order stating that the FSB is no longer required to provide to the telecommunications and Internet companies any court documentation or information about targets of interest. Human rights activists suggested that this order only formalizes existing practices, established since SORM was introduced, of monitoring communications without providing any information or legal justification to those being monitored. In September 2000, the Supreme Court subsequently upheld the requirements that the FSB conduct monitoring only by court order and that it provide information to the company about the target of surveillance; however, despite this ruling, the oversight and enforcement of these provisions were inadequate in practice.

In September 2000, President Putin signed the "Doctrine of Information Security of the Russian Federation," which offers general language on protecting citizens' constitutional rights and civil liberties but also includes specific provisions that justify greater state intervention. For example, the Doctrine gives much leeway to law enforcement authorities in carrying out SORM surveillance of telephone, cellular, and wireless communications.

In November and December, the USMC reported several "round-ups" of conscript age males in Moscow, the northern Caucasus, and other regions. During such round-ups, at metro stations, or on the street, military officials stopped young males suspected of being subject to conscription and forcibly escorted them to the local military commissariat ("voenkomat") for induction into the military. According to the USMC, the responsible military officials did not follow applicable regulations and included youths with valid student or medical exemptions in the round-ups, denying them the opportunity to notify their parents, a lawyer, or human rights advocates.

Allegations continued to circulate that officers in the special services, including authorities at the highest levels of the MVD and the FSB, have used their services' power to gather compromising materials on political and public figures as political insurance and to remove rivals. Similarly persons in these agencies, both active and retired, were accused of working with commercial or criminal organizations for the same purpose.

There were credible reports that regional branches of the FSB continued to exert pressure on Russian citizens employed by foreign firms and organizations, often with the goal of coercing them into becoming informants.

In October according to the Glasnost northern Caucasus publication, authorities forcibly expelled more than 100 Roma from the Krasnodar region to Voronezh, their officially registered place of residence. Authorities claimed that the Roma were involved in drug trafficking, although the police brought no formal charges against them.

Government forces in Chechnya looted valuables and foodstuffs from houses in regions that they controlled (see Section 1.g.).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

In August 1999, the Government began a second war against Chechen rebels. The indiscriminate use of force by government troops in the Chechen conflict resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. Attempts by government forces to regain control over Chechnya were accompanied by the indiscriminate use of air power and artillery. There were numerous reports of attacks by government forces on civilian targets, including the bombing of schools and residential areas. In 2000 Russian forces began a large-scale offensive military campaign in Chechnya; that offensive campaign largely ended following federal occupation of most of Chechnya by the late spring of 2000, although federal forces remained engaged in an intensive anti-insurgency campaign against Chechen guerillas. In January President Putin announced that the active military phase of the struggle against separatism in Chechnya had been completed successfully and that an antiterrorist operation under the direction of the Federal Security Service (FSB) would begin immediately. The antiterrorist operation was marked by several large-scale clashes during the summer, most noticeably in the Argun gorge and the Vedeno district, and by several rebel attacks on population centers, such as a September 17 attack on Gudermes. At the end of May, federal forces were successful in killing rebel commander Arbi Barayev.

On September 24, President Putin broadcast an appeal to the rebels to stop all contacts with international terrorist organizations and to enter into discussions with federal officials within 72 hours on their disarmament and return to a peaceful life. He appointed the presidential envoy for the southern federal region, Viktor Kazantsev, an army general who had served in Chechnya, as a point of contact. On November 18, the two sides conducted initial talks; the topics of discussion were not revealed publicly. Low-level contacts were ongoing at year's end.

The security situation prevented most foreign observers from travelling to the region, and the Government enforced strict controls on both foreign and domestic media access (see Section 2.a.). Federal authorities--both military and civilian--have limited journalists' access to war zones since the beginning of the war in October 1999. Most domestic journalists and editors appeared to be exercising self-censorship and avoiding subjects embarrassing to the Government in regard to the conflict (see Section 2.a.). These restrictions made independent observation of conditions and verification of reports very difficult. Nevertheless there were numerous credible reports of human rights abuses and atrocities committed by federal forces.

A wide range of reports indicated that federal military operations resulted in numerous civilian casualties and the massive destruction of property and infrastructure, despite claims by federal authorities that government forces utilize precision targeting when combating rebels. The number of civilian fatalities caused by federal military operations cannot be verified, and estimates of the total number of civilian deaths since 1999 vary from hundreds to thousands. For example, in December 2000, seven students were killed when Russian forces fired mortar rounds on Grozny State Pedagogical Institute. The local procurator was investigating the incident at year's end. The Chechen procurator's office continued to investigate numerous incidents, only a few of which resulted in convictions. The number of civilians injured by federal forces also could not be verified.

Reports from hospitals operating in the region indicated that many patients were landmine or ordnance victims, and that such weaponry was the primary cause of death. Since August 1999, government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan. In April 2000, the Government announced plans to mine its border with Georgia. There is no accurate information on the number of persons killed by landmines throughout the country.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, individual federal servicemen or units reportedly committed many abuses. Command and control among military and special police units often appeared to be weak, and a climate of lawlessness, corruption, and impunity flourished, which fostered individual acts by government forces of violence and looting against civilians. For example, according to Human Rights Watch and press reports, in February 2000, Russian forces executed at least 60 civilians in Aldi and Chernorechiye, suburbs of Grozny. The perpetrators reportedly raped some of the victims, extorted money, and later set many of the houses on fire to destroy evidence. There were no reports of an investigation into or prosecutions in connection to these actions by year's end.

According to Human Rights Watch and other NGO reports, Russian soldiers executed at least 38 civilians in the Staropromyslovskiy district between December 1999 and January 2000. Most of the victims were women and elderly men, and all apparently were shot deliberately by Russian soldiers at close range. Similar events also occurred in Katr Yurt, where hundreds of already displaced persons were forced to flee, persons were killed, and houses were burned. Russian forces allegedly committed these abuses because Chechen fighters had passed through the village after retreating from Grozny on February 5. According to human rights NGO's, government troops raped women in Chechnya in December 1999 in the village of Alkhan-Yurt and in other villages. There were no reports of an investigation in to these actions by year's end.

Throughout the year, there were reports of mass graves and "dumping grounds" for victims allegedly executed by Russian forces in Chechnya. On February 21, relatives of three Chechen men who had disappeared in December 2000 while in the custody of Russian soldiers, discovered a large number of bodies, belonging to their relatives and others, near the federal military base at Khankala. Federal law enforcement officials stated that they had found another 48 bodies from the village. By March 14 of the 48 bodies had been identified and the remaining 34 bodies were buried in a village outside Grozny. Federal officials denied responsibility and there were no reports by year's end that the Government had opened an investigation into the killings (see Section 1.a.).

On April 10, the bodies of 17 men were discovered in a building in Grozny that formerly was used by federal paramilitary forces. The deceased men all had bullet wounds and reportedly were civilians who had been killed by federal troops 6 months previously. The Presidential Envoy to the Southern Russia federal district initially confirmed that the bodies had been found; however, later during the investigation he claimed that there were no bodies found.

According to the NGO Memorial, government sources vary in their estimates of the number of missing

persons. Memorial notes that in 2000 the office of Special Presidential Representative for Human Rights in Chechnya, Kalamonov, recorded an increase in the number of reported cases of missing persons from approximately 900 in early 2000 to approximately 3,000 at the end of that year. At year's end, the local department of the Ministry of the Interior in Chechnya had recorded approximately 700 missing persons (i.e. persons for whom the Ministry was searching). Also at year's end, the Chechen administration's missing persons commission had recorded approximately 1,400 reports of missing persons. On the basis of these sources, Memorial concluded that between 1,000 and 2,000 persons were missing in Chechnya at year's end. Memorial also compiled its own list of missing persons on the basis of verified reports, but it is not comprehensive; that list contained approximately 300 records at year's end.

A typical antiterrorist operation involved the "cleansing" of an area following a rebel attack on a block post or a vehicle carrying military personnel. In March a cleansing in Argun resulted in the deaths of four detainees. Other cleansings took place during the year in the villages of Alleroy (August), Staryye Atagi (August), Goyskoye (August), Tsotsin-Yurt (July), Chernorechiye (June), and in the Kurchaloy district (May and June). In the Kurchaloy district, members of the federal forces entered a private house on May 12 and fatally shot the owner and his son. On June 1, federal forces using trained dogs detained, beat, and attacked 30 men; two of the detainees disappeared. On June 16, federal forces detained 120 men; local residents found the bodies of 5 men on June 21.

In July following an explosion that killed five federal soldiers riding in a jeep, a particularly severe cleansing action took place in the villages of Sernovodsk and Assinovskaya. Males between 14 and 60 were lined up in the courtyards of houses in which they had been found. Some were able to buy their way out by paying an immediate levy, depending on the validity of their identification documents; cleansings also are a means for military and police personnel operating in Chechnya to supplement their incomes. Federal forces interrogated several hundred others who were unwilling or unable to pay the levies. During these interrogations federal forces beat and tortured the detainees by administering electric shocks. Private and public buildings were looted and destroyed. Federal forces took approximately 100 persons to filtration camps, but eventually released them with the exception of 4 or 5 persons who disappeared. The cleansing caused a temporary outflow of several thousand persons from the villages to refugee camps in neighboring Ingushetiya.

On October 7, a grenade fired from a passing federal military convoy killed a 10-year-old boy not far from Groznyy, resulting in demonstrations by local villagers that halted movement in the area.

On December 13, federal forces began a large scale cleansing operation in the city of Argun. Federal forces detained 150 persons, 40 of whom were detained at the insistence of the Chechen procurator, who had accompanied the federal forces who were conducting the cleansing. The "cleansing" continued for several days, during which time members of the federal forces stole and destroyed property in the houses they were searching. Approximately 15 bodies later were found at the detention points; it could not be determined whether those killed were rebels or civilians. During the last 2 weeks of December, the federal forces carried out similar operations in the villages of Gekhi, Chechen-aul Alkhazur, Tangi-Chu, and Tasotsin. Operations also began in Tsotsin-Yurt. At year's end, six persons from Tani-Chu were detained on unknown charges.

Reportedly armed forces and police units routinely abused and tortured persons held at so-called filtration camps, where federal authorities claimed that fighters or those suspected of aiding the rebels were sorted out from civilians. Federal forces reportedly ransomed Chechen detainees (and at times, their corpses) to their families. Prices were said to range from several hundred to thousands of dollars.

According to human rights NGO's, federal troops on numerous occasions, looted valuables and foodstuffs in regions they controlled. Many IDP's reported that they were forced to provide payments to, or were otherwise subjected to harassment and pressure by, guards at checkpoints.

There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The NGO Physicians for Human Rights reported that in 2000 physicians in Groznyy Ambulatory Clinic #5 and Groznyy City Hospital #4 stated that their hospitals were destroyed. The indiscriminate use of force by federal troops resulted in a massive destruction of housing, as well as commercial and administrative structures. Gas and water supply facilities and other types of infrastructure also were damaged severely. Representatives of international organizations and NGO's who visited Chechnya also reported little evidence of federal assistance for rebuilding war-torn areas.

There also were widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the Chechen fighters, and a policy of "no surrender" appeared to prevail in many units on both sides. Federal forces reportedly beat, raped, tortured, and killed numerous detainees.

The Government investigated, tried, and convicted some members of the military for crimes against civilians in

Chechnya. In September the official news daily Rossiyskaya Gazeta reported that military courts had convicted 15 servicemen for crimes against civilians. Some of those convicted were amnestied. It was reported that of the 1,700 cases filed against servicemen by military procurators, 345 had been stopped for various reasons, including amnesties, and 360 had been handed over to the courts. In one high profile case, Colonel Yuriy Budanov, charged with abducting and murdering an 18-year-old ethnic Chechen girl, underwent a third psychological examination by government-appointed experts. The experts reportedly concluded that Budanov was insane at the time of the murder. Human rights observers alleged that the Government addressed only a fraction of the crimes federal forces committed against civilians in Chechnya.

International organizations estimated that the number of IDP's and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000 (see Section 2.d.). At various times during the conflict, authorities restricted the movement of persons fleeing Chechnya.

From March 31 to April 4, 2000, U.N. Commissioner for Human Rights (UNCHR) Mary Robinson visited Chechnya to investigate allegations of human rights abuses; however, during the visit, according to Robinson's report to the UNCHR, Russian authorities denied her access to a number of locations, including five detention centers where Amnesty International alleged that Russian guards committed abuses against Chechen detainees. She also was denied access to villages near Grozny where Russian troops were accused of killing and raping civilians. Robinson met with IDP's in Ingushetiya, who provided firsthand testimony of alleged violations of human rights by Russian military, militia, and Ministry of Interior forces in Chechnya. Authorities asserted that Robinson distorted the true nature of the state of affairs and that Russia never hid the truth about the situation in Chechnya.

In response to international criticism of the human rights situation in Chechnya, several federal government bodies were established to examine alleged domestic human rights violations. In February 2000, President Putin appointed Vladimir Kalamonov as Special Presidential Representative for Human Rights in Chechnya. Kalamonov's office, with a staff of 25 persons, including 3 experts from the Council of Europe, opened branches in Moscow and in a number of locations in the northern Caucasus to take complaints about alleged human rights violations. In April 2000, Pavel Krasheninnikov, Chairman of the State Duma Committee on Legislation, was elected head of a newly created Independent Commission on Human Rights in the northern Caucasus. In September 2000, the Commission opened nine offices in Chechnya and three in Ingushetiya. Together Kalamonov's office and Krasheninnikov's commission heard several thousand complaints from citizens, ranging from destruction or theft of property to rape and murder; however, neither organization was empowered to investigate or prosecute alleged offenses and had to refer complaints to the military or civil procurators. Almost all complainants alleged violations of military discipline and other common crimes. By October according to Kalamonov's office, 15 soldiers and officers had been tried and sentenced; 42 more were being tried. For the second year, the Federal Government did not comply with an April 2000 U.N. Commission on Human Rights resolution calling for a broad-based independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law.

Chechen fighters also committed abuses; however, as with the many reported violations by federal troops--there were difficulties in verifying or investigating them. According to unconfirmed reports, rebels killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, elderly Russian civilians were killed for no apparent reason other than their ethnicity.

On September 3, a bomb exploded in the main Russian administration building in Grozny, killing one woman. Mufti Alkhmad Kadyrov, the pro-Moscow head of the Chechen Administration, had been conducting a meeting on the third floor when the bomb was detonated.

According to Chechen sources, rebel factions also used violence to eliminate their economic rivals in illegal activities or settle personal accounts. Many Chechens believed that Arbi Barayev (killed at the end of May), Shamil Basayev, and their groups in particular used such violence.

Chechen fighters planted landmines that killed or injured federal forces and often provoked federal counterattacks on civilian areas. In other incidents, the rebels took up positions in populated areas and fired on federal forces, thereby exposing the civilians to federal counterattacks. When villagers protested, they sometimes were beaten or fired upon by the rebels.

Chechen fighters also reportedly abused, tortured, and killed captured soldiers from federal forces. In the summer, rebels began a concerted campaign to kill civilian officials of the government-supported Chechen administration.

Individual rebel field commanders reportedly were responsible for funding their units, and some allegedly



resorted to drug smuggling and kidnaping to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and criminal gangs.

Some rebels allegedly received financial and other forms of assistance from foreign supporters of international terrorism. The international terrorist leader Usama bin Laden reportedly sent funds, personnel, and material to elements in the rebel camp. A number of the rebels are not ethnic Chechens and are from foreign countries. According to press reports, as many as 400 of Bin Laden's followers may have joined the rebels from his base in Afghanistan (see Section 1.a.). One rebel field commander, Ibn-ul-Khattab, is Saudi-born and reportedly was trained in Afghanistan by Usama bin Laden. In October presidential spokesman Sergey Yastrzhembskiy claimed that there were approximately 200 non-Chechen fighters in Chechnya.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, government pressure on the media persisted and in some respects increased significantly, resulting in numerous infringements of these rights. The Government exerted pressure on journalists, particularly those who reported on corruption or criticized officials, by: selectively denying journalists access to information including, for example, statistics theoretically available to the public and filming opportunities; demanding the right to approve and censoring certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations; removing reporters from their jobs; bringing libel suits against journalists; and intimidating and harassing journalists. Faced with continuing financial difficulties and increased pressure from the Government and large, private companies with reported links to the Government, many media organizations saw their autonomy weaken during the year. During the year, two prominent independent broadcast networks, NTV and TV-6, faced intense governmental pressure, mainly as the result of hostile lawsuits brought by large, government-connected energy firms (Gazprom and Lukoil, respectively); many observers believed the Government to be sympathetic toward the plaintiffs in each case, and many observers alleged that there was political influence on court proceedings. Nevertheless, numerous national and regional media reflected a variety of opinions.

The Glasnost Defense Foundation (GDF), an NGO that tracks violations of the rights of journalists in the countries of the former Soviet Union, estimated that government agencies brought several hundred lawsuits and other legal actions against journalists and journalistic organizations during the year, the majority of them in response to unfavorable coverage of government policy or operations. During the year, judges rarely found in favor for the journalists; in the majority of cases, the Government succeeded in either intimidating or punishing the journalist. On March 11, the Kirovskiy Court in Yaroslavl brought criminal defamation and libel charges against the chief editor of City Television, Elvira Mezhenina, because of a May 2000 editorial in which she remarked, "It is no secret that in our oblast, federal departments are in fact subordinated personally to the governor." This case was the first in which criminal, not civil, charges were brought against a media representative.

In July Krasnoyarsk Governor Aleksandr Lebed attempted to gain ownership of the region's largest newspaper, Krasnoyarskiy Rabochiy, by filing lawsuits in regional arbitration courts. In October the court rejected the suit. Vladimir Pavlovskiy, the editor, stated that he believed the suits were filed because of reports in the paper critical of Governor Lebed. During the year, the governor of Yaroslavl oblast, the head comptroller inspector of the Ministry of Finance, and 31 other officials also filed libel claims against journalists. With some exceptions, judges appeared unwilling to challenge powerful federal and local officials. Stiff fines for journalists were a common result of these proceedings, as well as occasional jail terms. In a positive development, a court upheld a libel suit by former military reporter Aleksandr Nikitin against a newspaper that accused him of espionage.

Rulings upholding libel and other lawsuits against journalists served to reinforce the already significant tendency toward self-censorship. Many entry-level journalists in particular practiced self-censorship. In April Yuriy Vdovin, a prominent St. Petersburg-based media freedom activist, stated at a Moscow conference on press freedom that "young journalists are particularly vulnerable to self-censorship, because they are less protected from mistreatment by authorities. If a young reporter loses his job for political reasons, his chances of finding a new one are much lower than those of his older, more established colleagues. It is also more difficult for a young unknown journalist to rally public attention and support." In June 2000, the Security Council adopted an Information Security Doctrine, which outlines "threats to Russian national security" in the fields of "mass media, means of mass communication, and information technology" (see Section 1.f.). There were no discernible repercussions on the press from the Doctrine, although many observers continued to view it as an indication that the Kremlin considers the media to be subject to the administration and control of the

Government. Although the document reaffirms the State's commitment to preserve the freedoms of expression and of access to information, it contains numerous clauses that, according to critics, can be interpreted broadly--and with negative effects on press freedom--by lawmakers and bureaucrats. For example, of particular concern, were the clauses calling for an "increase in propaganda activity to counter the negative effects of the dissemination of misinformation about the internal policies of the Russian state"; and "clarification of the status of foreign journalists and media outlets" working in the country, in order to "place them on an equal footing with the domestic media." The concentration of ownership of major media organizations--already a serious threat to editorial independence in 1999--increased during the year. The largest media empires (including media outlets owned by the federal, regional, and local governments) remained intact. However, Media-Most, the country's largest independent company, was under pressure by the Government and the Government resumed operational control of ORT.

The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to undermine editorial independence and journalistic integrity in both the print and broadcast media. In particular, the concentration of ownership of major media organizations posed a growing threat to editorial independence during the year. The largest media empires (including media outlets owned by the federal, regional, and local governments) remained intact and, in some cases, grew. Government structures, banking interests, and the state-controlled energy giants United Energy Systems (UES) and Gazprom continued to dominate the Moscow media market and extend their influence into the regions. Continuing financial difficulties of most news organizations exacerbated this problem during the year, weakening their financial positions, and thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. As a result of this financial dependence, the media's autonomy and its ability to act as a watchdog remained weak.

In other important matters as well, private media organizations and journalists across the country remained dependent on the Government during the year. For example, according to the Glasnost Defense Foundation (GDF), some 90 percent of print media organizations continued to rely on state-controlled organizations for paper, printing, or distribution, while many television stations were forced to rely on the state (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage" (including the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals. The GDF noted that this practice continued to be more common outside the Moscow area than in the capital itself. Private print and broadcast media, like other enterprises, were vulnerable to arbitrary changes in the policy and practice of tax collection. Although media routinely continued to receive tax breaks on high-cost items such as paper, the GDF and other media NGO's documented numerous instances of government use of taxation mechanisms to pressure media across the country. The Government also occasionally sought to limit reporting on tax matters.

In 2000 the Federal Security Service (FSB) office of the Volgograd region tried to impose a "cooperation agreement" on a number of local newspapers, including Volgogradskaya pravda, Inter, Gorodskiy vestnik, and Delovoye povzozhye, which reportedly were pressured into signing the agreement. The document obliged the papers to clear with the FSB prior to publication all of their reports concerning the FSB and to print official FSB releases without comment. The locally based Center for Protection of Media Rights published the agreement, which attracted media attention across the country and subsequently was opposed by human rights advocates. No attempts to enforce the agreement had been made by year's end.

Journalists continued to depend on local authorities for accreditation for major news events. There were widespread reports of both favoritism toward reporters associated or aligned with the federal or local administration, and the denial of access to journalists representing independent media organizations. Journalists at Kommersant and Argumenty i fakty, two credible newspapers with fairly independent editorial stances, reported that criticizing the Kremlin had resulted in their being barred from the Kremlin pool, a limited group of journalists accredited by the Presidential press service for events in the Kremlin. The newspapers' exclusion from the pool affected their ability to report significant events and compete with media outlets loyal to the Kremlin.

The Government owns nearly one-fifth of the 12,000 registered newspapers and periodicals in the country and exerts significant influence over state-owned publications. In March the opposition newspaper Russkii Obozrevatel almost ceased publishing in the Republic of Bashkortostan; the newspaper's founder could not find a company in the Republic willing to publish the newspaper and was forced to publish in another oblast. A group of private distributors came together to produce the newspaper; however, many were threatened by local government officials with revocation of their licenses.

The Government owns approximately 150 of the 550 television stations in the country and indirectly influenced private media companies through partial state ownership of the gas monopoly Gazprom and the oil company Lukoil, which in turn own large shares of media companies. Of the three national television stations, the State

owns Russian Television and Radio (RTR) and a majority of Russian Public Television (ORT); it also maintains ownership or control of the major radio stations Radio Mayak and Radio Rossii and news agencies ITAR-TASS and RIA-Novosti. The Government owns a 38 percent controlling stake of Gazprom, which in turn has a controlling ownership stake in the prominent, privately owned national television station, Nezavisimoye Televideniye (NTV). Since Gazprom's takeover of NTV in April, the Government was in a position to influence NTV's editorial stance. However, at year's end NTV, continued to assert some editorial independence.

The Government exerts its influence most directly on state-owned media. For example, in the spring, the senior staff of RTR--the station with the most extensive coverage area-- reported to media freedom observers that managers offered "guidance" to program announcers and selected reporters, indicating which politicians should be supported and which should be criticized; criticism of presidential policies was discouraged strongly and even prohibited. Correspondents claimed they occasionally were asked to obtain senior management approval for reports on sensitive political prior to broadcasting; occasionally "negative" language was edited out. At times, high-level presidential administration officials reportedly complained to RTR executives about reporting they viewed as critical of the President.

On October 30, officials from a local communications inspectorate suspended broadcasts of the independent radio station Viktoriya in Yakutsk for a month. The owner and general director Aleksandr Glotov stated that he believed that broadcasts were suspended because local authorities were trying to control independent media in the period prior to the December 23 presidential election in the Sakha republic (Yakutiya) (see Section 3). The station was allowed to broadcast again after Glotov successfully defended himself against the charges. On December 6, 2 weeks prior to the elections, Glotov was charged with inciting interethnic conflict and placed in a pretrial detention facility. During Glotov's interrogation, he was taken by ambulance to a hospital, placed in intensive care, and treated for a weak heart condition. While in the hospital, Glotov claimed that he probably was arrested because of an article in his Viktoriya-Sakha newspaper critical of Deputy Procurator and presidential candidate Vasiliy Kolmogorov. Glotov said the charge of inciting interethnic conflict was "laughable," since Viktoriya was the first independent radio station in Sakha to broadcast in the Yakutsk language. Communications officials suspended broadcasts for a month and stated that the suspension was necessary because the station lacked the proper technical documents.

At the regional and local levels, the governments operated or controlled a much higher percentage of the media than in Moscow; in many cities and towns across the country, government-run media organizations were the only major source of news and information, according to the GDF. As a result, in many media markets, citizens received information mainly from unchallenged government sources.

The struggle between Media-Most (owned by Vladimir Gusinskiy) and Gazprom over control of NTV and other Media-Most properties continued during the year. At year's end, the court case against Media-Most financial chief Anton Titov was unresolved after a year of investigations and initial court decisions. Titov remained in pretrial detention where he has been since January 16, when he was arrested on charges of fraud. On October 29, the Procuracy General completed its investigation of the alleged embezzlement of \$68,500,000 (5 billion rubles), use of false documents, and money laundering by Titov, and turned the case over to a judge. In early November, Moscow's Cheremushkinskiy intermunicipal court returned the case to the prosecutor for further investigation, saying the initial inquiry had failed to provide evidence of a crime. The Procurator General called the court decision "baseless" and filed an appeal with the Moscow city court, which returned the case to the Cheremushkinskiy intermunicipal court on December 26.

In April the majority stockholder of Media-Most, the government-controlled gas monopoly Gazprom -seized some Media-Most properties in response to Gusinskiy's inability to meet a \$262 million (7.5 billion rubles) scheduled debt payment that had been guaranteed by Gazprom. Gusinskiy reportedly had signed an agreement with Gazprom-Media chief Alfred Kokh just before leaving the country in July in which he pledged to sell a controlling share of his media enterprises to Gazprom. Gusinskiy insisted publicly that he had signed under duress, citing a protocol to the agreement that was cosigned by Press Minister Mikhail Lesin. Many observers interpreted the protocol as a quid pro quo in which the Government agreed to drop its criminal investigations of Gusinskiy and Media-Most in exchange for receipt by Gazprom of a controlling share in NTV and Media-Most. The Government characterized the case against Media-Most as strictly financial; however, the synchronous efforts and harsh tactics of the Procuracy, the MVD, the FSB, and the tax police to gather evidence for their court case against Media-Most reinforced the impression that the Government intended to aid Gazprom in its takeover (see Section 1.d.).

Also in April, tax police raided the offices of cable television network Territoriya Nashego Telezritelya (TNT), which had hired some of the journalists who quit NTV in protest over the Gazprom takeover. The action was taken ostensibly over a \$6,675 (19,277 rubles) tax bill that had been paid in September 2000. In April on the basis of an article in the civil code that prohibits companies from showing a negative balance for more than 2 years, the majority stockholder won a suit to close down the heavily indebted Segodnya newspaper--the flagship of the Gusinskiy media empire. Also in April, the majority owner also replaced the entire management

and reporting staff of Itogi magazine. In May procurators raided the offices of the radio station Ekho Moskvy, the only profitable Media-Most property, supposedly searching for incriminating financial documents. This action frightened away advertisers for some time; however, Ekho Moskvy continued to operate independently at year's end.

In September a provision of the joint stock companies law that allows a minority shareholders to force the liquidation of companies showing a negative balance for more than 2 years was invoked against TV-6, another privately owned television station with a reputation for independent news coverage. TV-6 had hired a number of NTV journalists who had quit NTV to protest Gazprom's take over. Minority shareholder Lukoil-Garant, a pension fund that owns 15 percent of TV-6, won a claim in the Moscow Arbitration Court to liquidate TV-6's parent company, which is 75 percent owned by the oligarch, Kremlin critic, and exiled businessman, Boris Berezovskiy. Media freedom experts generally considered the ruling to be a government-supported effort to remove TV-6 from the control of Berezovskiy, accused of financial crimes in an unrelated case, and to remove a management team headed by Yevgeniy Kiselev that had moved to TV-6 after the Gazprom takeover of NTV. On December 29, an appeals court overturned the September ruling and returned the case to a lower court for review. Although the formal link between the Government and TV-6 does not extend beyond a 16-percent government stake in energy giant Lukoil, in the view of most independent observers the timing of the suit (brought precisely when TV-6 was becoming profitable), the unusually expeditious handling by the courts, the actual court rulings, and the speed with which the Government rushed to implement and enforce those decisions all point to the suit's non-commercial motives.

At times local government officials actively restricted freedom of the press, particularly during election periods. In March Nizhniy Novgorod's regional head administrator Sergey Vasin enlisted the aid of local police to turn off the local television transmitter, because he claimed that he had been denied legally mandated access to airwaves during his campaign. The station's director stated that Vasin had been offered an opportunity to participate in an election program with other candidates, but turned it down. In March in Bashkortostan, the editor of the opposition newspaper Russkiy obozrevatel had difficulty finding a publisher or distributor after publishing an article criticizing the Bashkortostani president; private distributors of Russkiy obozrevatel claimed that government officials had warned them against selling copies. In June Irkutsk law enforcement officials confiscated all copies of Vostochnosibirskiy vesti, reportedly the only newspaper that had criticized Governor Boris Govorin, who was up for reelection in July; this was the 19th confiscation of the newspaper since its founding in 2000. The reasons for these confiscations are not known. In September the Lipetsk Press Ministry suspended the broadcasting license of the independent TVK television company in the midst of an ownership and management dispute over the station. During a court-contested shareholder's meeting on August 24, shareholders replaced former station director Aleksandr Lykov with business executive Dmitriy Kolbasko, who reportedly was favored by the incumbent governor Oleg Korolev. Lykov told the media advocacy organization, Committee to Protect Journalists that he believes the Korolev administration supported the change in management in order to influence reporting prior to the April gubernatorial election.

Journalists who published critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, continued to be subjected to death threats and threats of beatings and other physical violence by unknown assailants. Journalists frequently were attacked physically, although in the majority of these cases, no direct link was established between the assault and the authorities who reportedly had taken offense at the reporting in question. A number of independent media NGO's have characterized beatings by unknown assailants of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

During the year, authorities harassed and abused Olga Kitova, a correspondent for Belgorodskaya Pravda and a member of the Belgorod regional parliament, because of her reporting on regional government officials. In January the Union of Journalists revoked her first prize award for investigative reporting. On March 21, the Belgorod Oblast procurator opened a criminal case against her, charging her with "insult and violence" against state officials. Subsequently 10 police officers detained her outside her home, beat her, and took her to a hospital for treatment. The police claimed she was arrested for failing to respond to a summons; however, as a member of the regional parliament, she legally was immune to questioning or arrest on criminal charges. On May 22, police arrested Kitova again; the arresting officers presented neither identification nor a warrant for her arrest. She was taken to a temporary holding cell in the district police station where she apparently suffered a heart attack. After a dispute between two doctors regarding her fitness for transfer to the pretrial detention center, she was taken to the city hospital and treated for acute hypertension and heart ailments. On May 28, the Western District Court of Belgorod ruled that her arrest was unlawful on procedural grounds, but the procurator successfully appealed the decision in June. On June 8, the hospital discharged her. On September 3, Kitova's third trial began but was recessed on October 26 because of her ill health. In December Kitova received a 21/2 year suspended sentence on the libel charges and her lawyers filed an appeal with the Supreme Court. She remained free pending trial at year's end.

Media NGO's and the press reported a number of killings of journalists, presumed to be related to their

journalistic work, and dozens of other attacks on journalists. As in 2000, police seldom identified the perpetrators of crimes against journalists. On May 17, Vladimir Kirsanov, a local newspaper editor from Kurgan, was reported missing after his bloodstained documents were found on the bank of the Tobol river in Kurgan. Many of Kirsanov's colleagues believe he was killed because of his investigative reporting on corruption among oblast officials, and because of his reported conflict with oblast governor Oleg Bogomolov. According to the newspaper Versiya, on May 23, the Kurgan oblast procurator's office opened a criminal investigation, which was ongoing at year's end; representatives of the Glasnost Foundation and Reporters Without Borders assisted with the investigation.

On September 19, Eduard Markevich, editor of Novyye Reft, was shot and killed. Colleagues claimed that Markevich had received threatening phone calls prior to the shooting, and colleagues and media advocacy groups believe that Markevich was killed because of his investigative reporting. Markevich often had criticized local authorities and law enforcement, and on September 16, he participated in local parliamentary campaigns. In 2000 authorities detained him for 10 days after the local procurator charged him with defamation because of an article he wrote questioning the propriety of a government contract.

Previous murders of journalists still unsolved included the September 2000 killing of Radio Free Europe/Radio Liberty correspondent Iskander Khatloni. At the time of his death, Khatloni had been investigating alleged human rights abuses by the federal military in Chechnya; the July 2000 killing of Igor Domnikov, a journalist with Novaya Gazeta; and the July 2000 killing of Sergey Novikov, president of independent radio station Vesna.

In November 2000, a trial began for the 1994 killing of Dimitriy Kholodov, the military affairs correspondent for the news daily Moskovskiy Komsomolets, who was killed when he opened a briefcase full of explosives. The six defendants include former intelligence chief of the airborne infantry Colonel Pavel Popovskikh, three other officers, and two civilians. On August 28, witnesses testified that the explosive materials in Kholodov's briefcase did not come from military stock and weighed less than 50 grams, undermining the case against Popovskikh. In October the judge was hospitalized and the trial was recessed; however, the trial had resumed in the Moscow okrug military court by year's end.

The northern Caucasus region continued to be dangerous for journalists. Kidnapings and assaults remained serious threats. In addition federal authorities--both military and civilian--limited journalists' access to war zones and confiscated reports and equipment. The Government required reporters to obtain special accreditation besides the usual Foreign Ministry accreditation for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to obtain local press accreditation. In February in a high profile case that was brought to the attention of the President, federal army soldiers detained overnight the well-known Novaya Gazeta reporter Anna Politkovskaya, who was in Chechnya attempting to investigate reports of torture and rape by the federal military. She was charged with violating accreditation procedures and regulations imposed by the military command. Sergey Yastrzhembskiy, a senior presidential aide for public information on Chechnya, stated that Politkovskaya had a valid accreditation for Chechnya, but could travel in Chechnya only if she informed officials of her plans. The Russian branch of the international writers' defense organization PEN strongly criticized her arrest. Politkovskaya was released unharmed, but stated that her FSB interrogators threatened her with death while she was in detention. International publicity surrounding her detention may have played a part in her release. Politkovskaya continued to cover Chechnya during the year, but in October decided to leave the country after receiving more death threats. She stated that the death threats were associated with her September 20 article alleging that a government helicopter downed on September 17 in Grozny had been shot down by federal forces, not rebels as alleged by authorities. Politkovskaya remained abroad at year's end.

In May and June, a poll conducted among adults throughout the country by the Institute for Comparative Social Research reported that 7 percent of adults have access to the Internet and that Moscow and St. Petersburg have the highest number of users. Access appears to be unrestricted, but the Government requires Internet service providers to provide dedicated lines to the security establishment so that police can track private email communications and monitor activity on the Internet. The system of operative and investigate procedures (SORM-2) continued during the year to limit the electronic privacy of both citizens and foreigners (see Section 1.f.).

The Government respects academic freedom; however, during the year, human rights activists questioned whether the Sutyagin case and others discouraged academic freedom and contact with foreigners on issues that might be deemed sensitive (see Section 1.e.).

#### b. Freedom of Peaceful Assembly and Association

The Government generally respected freedom of assembly; however, at times this right was restricted at the

local level. Organizations must obtain permits in order to hold public meetings and the application process must begin between 5 and 10 days before the scheduled event. Religious gatherings and assemblies do not require permits. While permits to demonstrate were granted readily to both opponents and supporters of the government groups some have been either denied permission to assemble, or once Ministry of Justice officials issued permission, local officials have withdrawn it. In general citizens freely and actively protested government decisions and actions.

On occasion local authorities arbitrarily denied permits to demonstrators or appeared not to observe applicable regulations in denying such permits. For example, in May authorities in Podolsk denied a permit to the Anti-Militarist Radical Association and the Radical Party to hold a demonstration against the war in Chechnya in front of the Podolsk military commissariat ("voyenkomat"), claiming that most of the event's potential participants were not residents of Podolsk but of Klimovsk, another town in the same region. In June Presnya district authorities in Moscow denied organizers a permit to hold a demonstration in front of the International Trade Center, claiming that the location was too close to potentially explosive and flammable installations; officials denied the permit without giving the organizers the required 3 days' notice. The demonstrators intended to protest the decision to hold the 2008 Olympics in Beijing, citing China's human rights record. In August police disrupted a planned peace march from Grozny to Moscow by invoking their legal authority to conduct document checks; several persons were detained for lacking registration permits (see Section 2.d.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. A 1995 law required NGO's to reregister with local branches of the Ministry of Justice by a November 1999 deadline. In 2000 some NGO's expressed concerns that, if they failed to reregister in time, they would be vulnerable to liquidation (elimination of juridical status by court order) by local authorities who were hostile to human rights or opposition political activity. Nonetheless such concerns have abated, and according to Lyudmila Alekseyeva, Chair of the Moscow Helsinki Group, the majority of groups that desired to register were able to do so, although at times only after repeated attempts.

On June 12, President Putin met with the leaders of several dozen selected NGO's working in various sectors and stressed that NGO's have an important role to play in society. NGO and media observers credited the meeting as recognition of civil society by a national leader; however, at the same time, many NGO and political leaders noted that representatives of human rights and environmental NGO's were not invited to participate in the June 12 meeting. They also expressed concern that the meeting might signal a government attempt to exercise greater control over NGO's or to distinguish between those playing a "constructive" role (such as charitable groups) and those deemed "too political" (such as human rights and environmental groups). Critics voiced similar fears about Civil Forum in November, which was organized by a group of organizations and individuals who are formally independent but closely linked to the Government. The organizers successfully encouraged participation of some human rights groups and other NGO's that were not included in the President's June 12 meeting; nevertheless, a few others declined to participate because they believed the Government was attempting to organize all NGO's under one umbrella in order to increase its control over them (see Section 4).

In July President Putin signed into law legislation on political parties, which requires parties to have 10,000 members in order to be registered and function legally, with no less than 100 members in a majority of the country's 89 regions (see Section 3).

### c. Freedom of Religion

The Constitution provides for freedom of religion; however, although the Constitution also provides for the equality of all religions before the law and the separation of church and state, in practice the Government does not always respect the provision for equality of religions, and in some cases local authorities imposed restrictions on some groups.

In its preamble (which government officials insist has no legal force), the 1997 Law on Freedom of Conscience recognizes the "special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture." It accords "respect" to Christianity, Islam, Buddhism, Judaism, and certain other religions as an inseparable part of the country's historical heritage. Russian Orthodoxy is considered in conservative nationalist circles as the de facto official religion of the country. Many Russians firmly believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian. However, many religious minority groups and NGO's have complained of what they believe is a confluence between the Russian Orthodox Church and the state. Public statements by some government officials and anecdotal evidence from religious minority groups suggest that the Russian Orthodox Church in some cases may enjoy a status that approaches official. The church has entered into a number of agreements with government ministries that have raised the question of favoritism. For example, the Russian Orthodox Church has made special arrangements with government agencies to conduct religious education

and to provide spiritual counseling. Although other denominations such as Protestant groups have been granted access to military personnel, it is on a much more limited basis than that accorded to the Russian Orthodox Church.

The 1997 Law on Freedom of Conscience targeted so-called totalitarian sects or dangerous religious cults and all religious organizations previously registered under the 1990 law to reregister or face liquidation. Among the law's most controversial provisions are those that limit the rights, activities, and status of religious "groups" existing in the country for less than 15 years and that require that religious groups exist for 15 years before they can qualify for "organization" status. The 1997 law required that all religious organizations registered under the 1990 law be reregistered by December 31, 1999, or face possible liquidation. This deadline eventually was extended by a year to December 31, 2000 and liquidation was made mandatory. Groups that did not manage to register under the 1990 law or groups that are new to the country remained severely hindered in their ability to practice their faith. However, for those that were registered before the passage of the 1997 law, the situation was somewhat better. A November 1999 Constitutional Court ruling effectively "grandfathered in" a number of religious organizations that were registered at the time the 1997 law was passed but could not prove 15 years of operation in Russia. The Ministry of Justice reported that as of January 1, 20,215 organizations had either registered under the old law, reregistered, or registered anew, while approximately 10 percent were subject to liquidation for having failed to reregister by the deadline. The Ministry reported that 87 percent of organizations registered under the previous law reregistered successfully. There were reports that by May almost 100 organizations had been liquidated. According to the Ministry of Justice, most of these organizations were defunct, existing on paper only. However, religious minority denominations and NGO's reported that a number of these groups were active and were liquidated despite repeated attempts to reregister; some of these cases were being challenged in court. A government working group is reportedly preparing possible changes and amendments to the 1997 law; however, no new changes were announced by year's end.

Implementation of the 1997 religion law has varied widely in the regions, depending on the attitude of local offices of the Ministry of Justice whose offices are responsible for registering new organizations, reregistering existing organizations, "liquidating" (i.e., eliminating of the organization's status as a juridical person through a judicial process) those religious organizations that do not manage to reregister, and banning groups deemed a threat to society. In some areas such as Moscow, local authorities have prevented minority religious denominations like the Jehovah's Witnesses and the Salvation Army from reregistering as local religious organizations, subjecting them to campaigns of legal harassment.

On December 6, the Moscow city court upheld a lower court ruling to liquidate the local chapter of the Salvation Army for having failed to complete its reregistration before the deadline. The group stated its intention to continue ministering to capital residents through its centrally-registered organization, which was approved by the Ministry of Justice in February; however, at year's end, officials were preventing the transfer of key properties from the local chapter to the centrally registered organization, and the Salvation Army's legal authority to conduct its Moscow ministry was uncertain. The Salvation Army also filed suit with the European Court in Strasbourg.

The Moscow department of the Ministry of Justice has denied the Jehovah's Witnesses' repeated applications to reregister under the 1997 law, and at year's end, the courts continued to uphold those denials. In addition the procurator for Moscow's northern administrative circuit has sought actively to ban the Jehovah's Witnesses. In February the Jehovah's Witnesses successfully defended themselves against such a ban in Moscow's Golovinskiy intermunicipal court. On October 30, a new trial to ban the group began in the same court; the procurator introduced a witness as "a representative of the Russian Orthodox Church" and proceeded to question the legitimacy of the Jehovah's Witnesses' doctrinal beliefs. At year's end, the trial was ongoing. Outside of Moscow, local officials in Chelyabinsk, Chuvashiya, Tver, and Novgorod also have denied registration to the Jehovah's Witnesses. The group has succeeded in registering a religious center and local religious organizations in numerous other communities.

In some cases, religious organizations successfully enlisted the assistance of the judiciary to overcome bureaucratic resistance to their reregistration. For example, in April a court in Orel ordered the local department of the Ministry of Justice to register a chapter of the Jehovah's Witnesses. In July the Supreme Court of Kabardino-Balkariya ordered the local department of the Ministry of Justice to register the Jehovah's Witnesses' local religious organizations in three communities. In September a court in Kirov ordered the local department of the Ministry of Justice to register the Volga-Vyatsk church, a Pentecostal congregation.

The Church of Scientology has experienced problems in reregistering its organization in Moscow. In October the Moscow city court upheld a lower court ruling on the denial of reregistration to the church's local chapter, and the local department of the Ministry of Justice initiated liquidation proceedings against the chapter.

By year's end, the Church of Jesus Christ of Latter-day Saints (Mormons) had registered successfully 38 local

religious organizations; however, in several regions, local officials have impeded registration. For example, beginning in 1998 the church attempted to register a local religious organization in Kazan, Tatarstan. The local department of the Ministry of Justice refused to register the church. The local department of the Ministry of Justice then liquidated it without a judicial process. The local department of the Ministry of Justice in Chelyabinsk also continued to reject the local registration application of the Church of Jesus Christ of Latter-Day Saints based on the alleged incompatibility of church activities with federal law. The Chelyabinsk department of the Ministry of Justice also rejected the registration applications of Baptist, Adventist, and Pentecostal churches on similar grounds.

According to NGO and media reports and government officials, many local Muslim religious organizations were unable to reregister before the December 31, 2000, deadline. According to the Ministry of Justice, 3,048 Muslim religious groups reregistered by the deadline, up from 2,610 in May 2000. On January 23, a spokesman for Supreme Mufti of Russia Talgat Tadzhuiddin stated that, of the more than 2,000 organizations under the Central Spiritual Authority of Muslims of Russia (TDUMR), only 1,700 had reregistered, leaving more than 300 subject to liquidation. According to the spokesman, many of these organizations lacked the financial means to pay for legal fees and travel to administrative centers necessary to reregister; some communities chose not to pursue reregistration. To complicate matters, rival Muslim groups have accused each other of "Wahhabism" (see Section 5). This pejorative label may have had a detrimental effect on reregistration in certain regions and has made local ethnic Russians more wary of Muslim religious organizations. By year's end, there were several reports of liquidations.

The Procurator General was criticized by human rights activists and religious minority denominations for encouraging legal action against some minority religions and recommending as authoritative references materials that are biased against Jehovah's Witnesses, Mormons, and others.

Reports of official harassment and punishment for religious belief or activity continued. Some religious minority denominations accuse the FSB, Procurator, and other official agencies, of increasing harassment of certain "nontraditional" denominations, in particular, Pentecostals, Scientologists, Jehovah's Witnesses, Mormons, and the Unification Church. Churches have been targeted for ostensible criminal investigations, landlords have been pressured to renege on contracts, and in some cases, the security services may have influenced the Ministry of Justice in registration applications. Such groups continued to face discrimination in their ability to rent premises and conduct group activities. For example, the office of the Procurator General has harassed Krishna believers with a series of frivolous investigations, including examining literature in order to make an expert opinion of whether the beliefs are harmful to society. In February the Chief Rabbi of Moscow—a foreign citizen—experienced unusual delays and warnings before his routine visa renewal. Officials of the tax police and the Department of Visas and Registration (OVIR) visited the offices of the Moscow Jewish Community to examine its records. OVIR informed them of discrepancies in the organization's records and warned the community that such discrepancies could compromise their ability to issue invitation letters to foreign visitors.

Contradictions between federal and local law in some regions and varying interpretations of the law furnished regional officials with pretexts to restrict the activities of religious minorities. Discriminatory practices at the local level are attributable to the relatively greater susceptibility of local governments to lobbying by majority religions, as well as to discriminatory attitudes that are widely held in society. For example, articles heavily biased against religions considered "nontraditional" appear regularly in both local and national press. There were reports of harassment of members of religious minority groups. Several religious communities have been forced to defend themselves in court from charges by local authorities that they are engaging in harmful activities; however, at times local courts demonstrated their independence by dismissing frivolous cases or ruling in favor of the religious organizations. Nonetheless at times authorities sometimes have been slow to carry out such rulings and in many cases have appealed the rulings.

In December 2000, a Moscow court returned a case in which the Church of Scientology was accused of "criminal activities" to law enforcement authorities for further investigation because of irregularities by the procurator's office. In January the case resumed, but subsequently was dismissed for lack of evidence. The procurator appealed, but the appellate court upheld the lower court's ruling in May, clearing the Scientologists of all charges.

Church officials and religious freedom advocates claim that the head of the Khabarovsk administration's Department of Religion engaged in a campaign against the region's Pentecostals, hindering the church's registration efforts and harassing visiting foreign missionaries with bureaucratic requirements, such as repeated document checks and challenges to valid visas, in an attempt to discourage missionaries from staying in the region.

Reports continued that some local and municipal governments prevented religious groups from using venues, such as cinemas, suitable for large gatherings. In many areas of the country, government-owned facilities are the only available venues. As a result, in some instances denominations which do not have their own property



effectively have been denied the opportunity to practice their faith in large groups. For example, in March Sergey Ryakhovskiy's Pentecostal "The Moscow Church of God of Christians of the Evangelical Faith" learned that a local theater, which for years had provided space for the Church's meetings, had reneged on a long-standing agreement after what the Church claims were threats by authorities.

The Government has implemented partially an interagency program to combat extremism and promote religious and ethnic tolerance. Broad in scope, the original plan called for a large number of interagency measures, such as the review of federal and regional legislation on extremism, mandatory training for public officials on how to promote ethnic and religious tolerance, and new educational materials for use in public educational institutions. Implementation of the plan, which is guided by an interagency commission on combating extremism headed by the Ministry of Education, was sporadic. Nevertheless, at least one NGO was able to work parallel to the program, participating in training law enforcement and other government officials (both local and federal) in promoting tolerance. The Saint Petersburg NGO Harold and Selma Light Center, in conjunction with a foreign-based NGO, conducted programs in several northwestern cities such as Petrozavodsk, and in the city of Ryazan.

According to a December 1, 2000, report on NTV, municipal authorities in Penza denied members of the Protestant church "Living Faith" permission to use a rented movie theater. The congregation was forced to move to a dilapidated building without heat, where temperatures during the winter reached 15 degrees below zero centigrade. The Russian Orthodox Church Outside Russia (ROCOR), which does not recognize Patriarch Aleksiy's authority, also has had numerous problems obtaining access to places for gathering. As of April, according to Keston News Service, only a small percentage of the Church's 100 parishes were able to meet in buildings. Keston reported that local officials appear reluctant to provide buildings to Orthodox churches not affiliated with the Moscow Patriarch. According to a May 14 Keston report, the region's chief architect, refused to allow a Protestant congregation in Vyborg to restore or even use a building it bought in 1998; authorities have refused to rezone the site for public (rather than industrial) use. Authorities in Sayanogorsk, in the Republic of Khakasiya, also have refused to allow the Pentecostal Church "Glory" to rent or use public space, despite the fact that the Church legally is registered and repeatedly has approached the municipal administration. Regional authorities who are attempting to remove a historic mosque have harassed Muslims in Volgda. Keston reported on May 11 that since the regional government lost a related case in the Supreme Court, the Muslim community has been subjected to financial investigations, which the community claims are frivolous. Muslims in the Komi Republic have not been able to build a mosque due to what many observers believe to be societal discrimination. On April 10, Keston reported that Taganrog authorities ordered the Muslim community to demolish its mosque. Muslims claim that the order was based on anti-Muslim bias and were refusing to carry out the order at year's end. Hare Krishna leaders in Moscow have sought unsuccessfully for several years to acquire property to build a new temple and center. The Hare Krishna face eviction from their place of worship for the construction of a new road. Jehovah's Witnesses and Baptists in Moscow and other regions continued to have trouble leasing assembly space and obtaining the necessary permits to renovate buildings. Mormons also have experienced trouble in obtaining permission to build and then occupy an assembly hall in Volgograd. The Volgograd building eventually was completed, but municipal officials delayed issuing permission to use the completed building.

During the summer, city authorities in Kazan, Tatarstan, sought to prevent the immediate repair and continued use of a Jewish school building that had been damaged by fire. On July 13, a fire, which some Jewish leaders suspected to be the result of arson, damaged the roof and upper floor of the school. On July 18, municipal authorities issued a decree closing the school for the upcoming academic year and transferred the students to another school. Offers by parents and others in the Jewish community to repair the school at their own expense initially were rejected by the city authorities, who ostensibly were concerned that the building had suffered structural damage; however, the officials openly voiced their discomfort with the location of a Jewish school in an historically Tatar neighborhood. On August 21, the Vakhitovskiy regional court found that the authorities had acted improperly in decreeing the transfer of the Jewish students. The city authorities did not prevent parents from completing essential repairs before the school year opened on September 1. City officials, the local Jewish community, and the Russian Jewish Congress agreed in writing that the Jewish school would move to a new facility to be provided by the city in time for the school year beginning September 2002. However, by year's end, the city had not offered an alternative facility acceptable to the Jewish community.

During the year, the Government was more active in preventing or reversing discriminatory actions taken at the local level, by more actively disseminating information to the regions and, when necessary, reprimanding the officials at fault. President Putin also has sought stricter and more consistent application of federal laws in the many regions of the country. Working through the Procuracy, the Ministry of Justice, the Presidential Administration, and the courts, the Government has persuaded the regions to bring their laws into conformance with federal laws and with the Constitution. The Presidential Academy of State Service also has worked with religious freedom advocates such as the Slavic Center for Law and Justice to train regional and municipal officials in the proper implementation of the law.

Representative offices of foreign religious organizations are required to register with state authorities. They are barred from conducting liturgical services and other religious activity unless they have acquired the status of a group or organization. Although the law officially requires all foreign religious organizations to register, in practice foreign religious representatives' offices (those not registered under law) have opened without registering or have been accredited to a registered religious organization. However, those offices cannot carry out religious activities and do not have the status of a religious "organization."

On December 3, the Supreme Court rejected the Belgorod local procurator's challenge to a local law restricting missionary activity. The law also restricted the missionaries use of local venues for religious meetings. Foreigners visiting the region are forbidden to engage in missionary activity or to preach unless the conduct of missionary activity had been stated in their visas (some groups reportedly sent religious workers on business or tourist visas in order not to alert the authorities to their activities). On August 21, the Belgorod regional court ruled to strike one article of the law, which stated that groups receiving repeated violations would be banned.

Roman Catholic religious workers have experienced problems in obtaining desired residency permits and visas. Foreign Catholic religious workers who are assigned full-time to parishes in Russia must go abroad once a year in order to renew their visas.

The Government continued to deny other foreign missionaries visas to return to the country, reportedly as a result of earlier conflicts with authorities. Federal authorities have denied visas to Dan Pollard, formerly of the Vanino Baptist Church in Khabarovsk region, and David Binkley of the Church of Christ in Magadan who were denied visas despite their acquittal on tax and customs charges. Other instances involve Charles Landreth of the Church of Christ in Volgograd who the local press accused of being a spy and Monty Race of the Evangelical Free Church of America. Race, who is married to a Russian citizen and has two children, also has been refused permission to register as the resident foreign spouse of a Russian citizen.

The Church of Jesus Christ of the Latter-Day Saints (Mormons) has had great difficulty in securing visas for some of its foreign missionaries, in particular when working through the Vladivostok department of the Ministry of Foreign Affairs. The Mormons have had problems in procuring residency permits for missionaries in regions such as Chelyabinsk and Kazan. According to the Church's lawyers, areas such as Chelyabinsk have impeded foreign religious workers from registering, presumably to restrict foreign proselytizing.

Mormon missionaries throughout the country frequently were detained for brief periods or asked by local police to cease their activities, regardless of whether they actually were in violation of local statutes on picketing.

Property disputes are among the most frequent complaints cited by religious groups. In accordance with a presidential decree some synagogues, churches, and mosques have been returned to communities to be used for religious services. However, on March 15, the work of the restitution committee ceased by order of Prime Minister Kasyanov. According to the Government, requests for restitution may be considered by the official entities responsible for the properties in question. For example, the Jewish community, which has met with some success on communal property restitution, continued to seek the return of synagogues around the country and of cultural and religious artifacts such as the Schneerson book collection (a revered collection of the Chabad Lubavitch). In May the Ministry of Culture turned over 60 Torah scrolls to the Congress of Religious Jewish Communities, an act welcomed by the Jewish community.

Unlike in the previous year, there were no reports of the use of psychiatry in "deprogramming" victims of "totalitarian sects."

Members of individual minority religions continued to encounter prejudice and societal discrimination, and in some cases violence. Authorities usually investigate incidents of vandalism and violence, but arrests of suspects were extremely infrequent and convictions were rarer (see Section 5).

In May 1999, the Moscow city Duma adopted a law forbidding the distribution and the display of Nazi symbols, and the Moscow regional Duma passed similar legislation in June 1999. In April Moscow city Duma deputies were attempting to introduce amendments clarifying procedures for implementing this law; however there was no progress by year's end.

The Office of the Human Rights Ombudsman Oleg Mironov includes a department dedicated to religious freedom issues. This department receives numerous complaints from individuals and groups about infringements of religious freedom. Mironov has criticized the 1997 Law on Freedom of Conscience publicly on many occasions and recommended changes to bring it into conformity with international standards and with the Constitution.

Although the Constitution mandates the availability of alternative military service to those who refuse to bear arms for religious or other reasons of conscience, in practice no such alternative exists. On August 8, the Novocheboksaryy city court overturned an earlier conviction against Pentecostal Christian, Aleksandr Volkov, who refused to perform his military service on the grounds of his religious convictions. In March Volkov was sentenced to 6 months in prison for refusing to perform military service, and served 1 month of that sentence. According to the Slavic Law Center, on November 12, officials from the local military commissariat ("voyenkomat") in Lipetsk forcibly detained Baptist Christian Sergey Kovyazin. In December 1999, the local procurator denied the town military garrison's request to open a criminal case against Kovyazin for draft evasion. On November 12, Kovyazin appeared at the recruitment office in response to the latest series of summons, and stated his objections to military service on the grounds of his religious convictions. On November 14, Kovyazin was released (see Section 1.c.). In October according to press reports, authorities in Nizhniy Novgorod established an alternative service program for conscripts. There were no reports that such programs existed in other regions.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government places restrictions on freedom of movement within the country, migration, and foreign travel.

The Government has imposed registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and must use to register with local authorities for visits of more than 3 days (in Moscow for visits more than 24 hours); however, travelers not staying in hotels usually ignore this requirement. These internal passports also are required for obtaining many governmental services. There have been several disputes between the central authorities and regional governments regarding the internal passports. In December 2000, the Presidents of Tatarstan, Bashkortostan, and a Presidential Representative of the Volga federal district reached an agreement on resuming the issuance of passports to residents of the two republics. Both leaderships had suspended issuing passports in 1997 to protest the failure of new passports to indicate the bearer's ethnicity. Under the agreement, a special page will be inserted in passports issued in Tatarstan and Bashkortostan giving the bearer's data in the national language. Subsequently the Government extended the right to include such a page to all citizens.

The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continued to restrict this right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although the rules were justified as a notification device rather than a control system, their application has produced many of the same restrictive results as the propiska system. Citizens must register to live and work in a specific area within 7 days of moving there. Citizens changing residence within the country, as well as persons with a legal claim to citizenship who decide to move to Russia from other former Soviet republics, often face enormous difficulties or simply are not permitted to register in some cities. Corruption in the registration process in local police precincts is a problem. Police demand bribes when processing registration applications and during spot checks for registration documentation. UNHCR and refugee rights NGO's cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the cities least open to migrants (although some NGO's dispute including St. Petersburg on this list). The fees for permanent and temporary registration remained low. The Government and city governments of Moscow and other large cities defended registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and earn revenue.

In April 2000, the Movement for Human Rights in Moscow joined forces with the Procurator General to challenge Moscow's registration requirements in Moscow city court. In September 2000, the procurator's office, in what many believe was a political concession, withdrew its support for the lawsuit. On September 25, 2000, the Moscow city court ruled that the city's rules on registration violated the Constitution's guarantee of freedom of movement. However, the Supreme Court overturned an earlier similar decision by the Moscow city court and forced the court to hear the case again. At year's end, the registration requirement remained in effect, and the practice--which police reportedly used mainly as a means to extort money--continued.

While federal law provides for education for all children in the country, regional authorities frequently denied access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration (see Section 5). The Moscow procurator's office has upheld the right of migrants to receive publicly available medical care; nonetheless, authorities frequently deny those services to unregistered persons, migrants, and asylum seekers.

According to NGO's, the city of Moscow, in addition to some other cities, frequently violated the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum. In the past, Mayor Luzhkov has called for the expulsion from Moscow of Chechens and other persons from the Caucasus; following the October 30 attack on Caucasian merchants at the Moscow metro station Tsaritsyno (see Section 5), the mayor and police officials spoke of the need for more stringent document checks in order to control the

numbers of unregistered residents. Moscow police, particularly special duty OMON (special forces unit of the Ministry of Interior) units, conduct frequent document checks, particularly of persons who are dark-skinned or appear to be from the Caucasus. There are many credible reports that police imposed fines on unregistered persons in excess of legal requirements and did not provide proper receipts or documentation of the fine. According to Human Rights Watch and church ministries tracking interethnic violence, it is not unusual for darker-skinned persons to be stopped at random and for officers to demand bribes from those without residence permits.

The Moscow Helsinki Group's (MHG) third human rights report, released during the year, detailed restrictions placed by the authorities on Meskhetian Turks. During 1989-90 some 90,000 Meskhetians were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan. An estimated 60,000 Meskhetians remained in the Russian Federation. More than 13,000 of them settled in Krasnodar Kray, and approximately 700 settled in the Kabardino-Balkariya Republic. Authorities in Krasnodar Kray and the Kabardino-Balkariya Republic continued to deny the Meskhetians the right to register, which deprives them of all rights of citizenship, despite provisions of the Constitution that require that all Meskhetians who were residing in the Soviet Union at the time of its collapse were entitled to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, are subject to special registration restrictions; for example, they have to register as a "guest" every 45 days. Krasnodar human rights groups continued to state that the situation in Krasnodar has not improved and that such restrictions remained in place.

The Constitution provides all citizens with the right to emigrate. The Government imposes nominal emigration taxes, fees, and duties. On average it takes 3 months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union.

Some liberal emigration procedures were codified formally in a 1996 law on exit from and entry into the country, which abolished the Soviet requirement that, in order to emigrate, citizens must receive a stamp permitting "permanent residence abroad" (PMZh)--essentially a propiska for those living outside the country. However, implementation of the law (which was scheduled to go into effect early in 1997) remained incomplete. According to the International Organization for Migration (IOM), border guards continued to require a PMZh-like stamp of all emigrants, and OVIR continued to issue it.

If a citizen has had access to classified material, police and FSB clearances are necessary in order to receive an external passport. Persons denied travel documents on secrecy grounds can appeal the decision to an interagency commission (called the Ivanov Commission) chaired by the First Deputy Foreign Minister. The Ivanov Commission cannot rule on whether the material should or should not be classified, but it can rule on the legality of travel restrictions imposed and on whether or not the traveler actually had access to materials requiring a travel restriction. During the year, the Ivanov Commission granted travel permission to approximately 76 percent of applicants. The 1996 law states that access to classified material may occur only with the consent of the citizen, established in the form of a written contract, which states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of 5 years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision has raised serious concerns among human rights advocates who monitor government restrictions on foreign travel; however, there were no reports that the provision was applied during the year.

Other grounds for denial of the right to travel abroad are military conscription, assignment to civilian alternative service (although the Duma has failed to pass legislation implementing the constitutionally provided right to civilian alternative service--see Section 2.c.), being under criminal investigation, serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application.

Emigrants who resettled permanently abroad generally have been able to visit or repatriate without hindrance; however, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country again (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside abroad legally.

International organizations estimated that the number of IDP's and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in spring of 2000. At year's end, there were an estimated 150,000 IDP's from Chechnya in Ingushetiya and 160,000 IDP's in various parts of Chechnya. There were reports of approximately 4,500 Chechen IDP's in Dagestan, 2,500 in North Ossetiya, and 7,000 in Georgia. Approximately 20,000 Chechen IDP's reportedly went to other regions of the Russian Federation. Federal refugee policy aimed at repatriating IDP's as soon as possible back to Chechnya; however, federal authorities promised during the spring that no one would be repatriated forcibly. NGO's also estimated that at least a quarter of a million residents, including almost the entire Russian, Armenian, and Jewish populations,

emigrated from Chechnya as a result of both the conflict and the war of 1994-96. Approximately 8,000 persons lived in railway carriages in the region. During the year, 4,000 others who had been living in railway cars were transferred to a tent camp set up for winter. According to the Council of Europe, approximately 2,000 persons live in harsh conditions in rail wagons in Sernovodsk without sufficient heating and appropriate sanitation facilities, which puts them at risk of contagious diseases. According to Memorial, by year's end, local authorities in Chechnya and Ingushetiya had found housing for IDP's formerly living in rail wagons.

During the summer, government officials publicly stated that they would not pressure or compel refugees to return to Chechnya and have reassured privately U.N. officials that they will not do so; however, at the same time, federal and local authorities consistently have stated their determination to repatriate all refugees back to Chechnya as soon as possible. Representatives of the Chechen administration have visited camps in Ingushetiya to encourage IDP's to return to Chechnya, usually to temporary IDP facilities; many who did so quickly returned to Ingushetiya because of a lack of facilities and a lack of security in the Chechnya IDP's camps.

At times the border between Chechnya and Ingushetiya was closed because of military operations. Federal border guards and police officers on the border between Chechnya and neighboring regions--and at checkpoints within the country--require travelers to pay bribes. Some Chechens also had trouble traveling because their documents were lost, stolen, or confiscated by government authorities (see Section 1.g.).

In October President Putin issued a decree abolishing the Ministry of Federation Affairs, Nationalities, and Migration Policy. The Interior Ministry assumed responsibility for migration policy and the care of IDP's. Duma Speaker Gennadiy Seleznev, former President of Ingushetiya Ruslan Aushev, and human rights NGO's concerned with IDP's criticized the plan, charging that the Interior Ministry could not address adequately the needs of internal refugees, and that it was inappropriate to entrust law enforcement organs with humanitarian programs for internal refugees. The Duma's International Relations Committee chair Dmitriy Rogozin welcomed the move, arguing that law enforcement would be more effective in preventing illegal immigration.

The law does provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol; however, the Government applied the law in a restrictive manner during the year. The Government rarely provides first asylum. It cooperates to a limited extent with the UNHCR and the IOM; both organizations assist the Government in developing a human migration management system, including an effective and fair refugee status determination procedures. As of October, UNHCR had registered approximately 40,000 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR estimates that only 11,000 of these are active cases, i.e., persons still seeking asylum or receiving UNHCR assistance. The remainder either integrated into society, left the country, have been resettled, or repatriated. According to UNHCR, the Government granted refugee status to 126 applicants during the year. Of these 117 were from the countries of the former Soviet Union. The Government acted more expeditiously for applicants who had been citizens of the former Soviet Union and applied a more lenient standard.

The UNHCR and Amnesty International worked with the Federal Migration Service (FMS) and border officials to ensure that interviews of potential refugees are conducted in a timely fashion, that the UNHCR is allowed access to potential refugees in airport transit lounges, and that deportations of potential refugees are delayed until cases have been adjudicated. However, in May 2000, the Government reorganized and disbanded the FMS; its functions and responsibilities were transferred to other ministries, mainly the Ministry of Federation Affairs, Nationalities, and Migration Policy, which have subsumed into the Ministry of Interior in the fall. There continued to be widespread ignorance of refugee law both on the part of officials (MVD, EMERCOM, and Border Guards) and would-be petitioners.

A number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remained in the country. The Government has not deported them but continued to encourage their return home. The number of persons from these countries has increased in the last few years due to the new arrival of persons seeking refugee status. According to the UNHCR, as of October it had granted refugee status to approximately 800 Africans and approximately 5,200 Afghans since 1992.

A group of approximately 1,400 to 2,000 Armenian refugees evacuated from Baku, Azerbaijan in the wake of late 1980's ethnic violence remained housed in "temporary quarters," usually in Moscow hotels or workers' dormitories. They are unable to return to Azerbaijan and are not accepted by Armenia; they also lack residency permits for Moscow. Representatives of the community have stated that they are not interested in Russian citizenship, which would entitle them to the benefits accorded to forced migrants, because they do not believe such a step would improve their situation materially. They also have rejected offers of relocation to other regions, because they allege that the alternative housing that they are offered frequently is not suitable or available. Their situation remained precarious because the formerly state-owned hotels in which many reside

were being privatized; a number of eviction orders were served in such cases during the year. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The UNHCR continued to be concerned about the situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 airport. Improperly documented passengers are deported systematically, including persons who demonstrated a well-founded fear of persecution in their countries of origin; the UNHCR was aware of 43 such cases during the year. If a passenger wants asylum, Aeroflot gives out telephone numbers for FMS and UNHCR, but these numbers are not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there also are no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers are not allowed to leave the transit zone and often are returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airline returns them to their point of departure as quickly as possible; airlines are fined if an undocumented passenger is admitted to the country but not if the passenger is returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely released passengers from the transit zone, unless there was a medical emergency.

There are 114 Points of Immigration Control (PIC's) throughout the country at border crossings and international airports, which are staffed by members of the former Ministry of Federation Affairs, Nationalities, and Migration Policy who are employed by the Ministry of the Interior. Most of the cases referred to them deal with labor migrants both entering and leaving the country. A few are asylum seekers. According to the UNHCR, the PIC's never have accepted anyone as an asylum seeker. Those who are interviewed (and refused) by the PIC at Sheremetyevo-2 generally are referred to the UNHCR, which received 43 such cases during the year. The UNHCR examines each case and seeks resettlement on an emergency basis for those that it accepts.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for political beliefs or for actions (or inactions) that are not considered a crime in the Russian Federation; however, in the past, there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants from other former Soviet states may be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain without actual legal grounds opposition figures from the other former Soviet republics.

### Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic free and fair elections held on the basis of universal suffrage.

The Constitution establishes four branches of Government: The Presidency; the Federal Assembly made up of two houses (the State Duma and Federation Council); the Government and Council of Ministers headed by the Prime Minister; and the Judiciary. The Constitution gives predominance to the Presidency, and the President utilizes his many powers to set national priorities and establish individual policies.

After President Yeltsin's December 1999 resignation, Vladimir Putin assumed the post of acting President. In a March 2000 election, Putin was elected President; while the opposition and the media claimed widespread election fraud, most international observers concluded that the election generally was free and fair, and the results valid. There were credible reports of election fraud in some locations, particularly in the Republic of Dagestan and a few other regions with a long history of falsifying votes, but there was no evidence that such abuses were systematic or that they affected the choice of the new President. Many observers pointed to problems with biased media coverage of the presidential election campaign. Paid political advertisements in newspapers often are disguised as legitimate news stories. Campaigns pay "under the table" for stories favorable to their candidate, which allows them to bypass limits on campaign spending.

The Duma was elected in December 1999. International observers judged those elections to be largely free and fair, and 69 percent of voters participated. However, in spite of efforts made by authorities to prepare for safe and orderly elections in the Chechen Republic, observers stated that many of the conditions associated with democratic elections could not be met. An election for a Duma deputy from the Chechen Republic subsequently was held in August 2000; retired Interior Ministry General Aslambek Aslakhonov, a harsh critic of the conduct of federal forces in Chechnya, was elected. The Duma has a strong pro-Presidential center that

puts majority support within reach for almost all Presidential priorities. Nonetheless the Duma remains an independent institution representing powerful interests and individuals.

Competitive elections for various regional and local offices were held throughout the year. Observers generally viewed these elections as free and fair, although there were problems in some regions involving unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Challengers were able to defeat incumbents in many of the races for regional executive positions, and losing candidates generally accepted the legitimacy of the voting results. Voters generally had the opportunity to choose among all candidates, although in September the Communist Party candidate in the Rostov gubernatorial election was disqualified due to alleged irregularities in the signatures required to place his name on the ballot. There also were reports that incumbent governors in some regions pressured local press organizations to support their candidacies or deny support to their challengers (see Section 2.a.).

In December presidential elections were held in the republic of Sakha (Yakutiya), there were numerous reported manipulations of election procedure. Despite applicable term-limit laws that appeared to preclude a third term by the incumbent President Mikhail Nikolayev as a candidate; it also registered Shtyrov as a candidate, despite allegations that he failed to meet the legal requirements for registration. Central Election Commission (CEC) chair Aleksandr Veshnyakov, cited term-limit laws, declared that Nikolayev's candidacy was "not legal" and said that the CEC might cancel his registration. Following a December 10 meeting with President Putin, Nikolayev announced his withdrawal from the race and declared his support for Shtyrov. At year's end, the Sakha Republic Supreme Court had not yet ruled on Nikolayev's candidacy and the case was withdrawn. In early December, the same court had ruled Shtyrov's candidacy invalid; however, before Shtyrov filed a formal complaint, the CEC intervened to overturn the court's decision.

In 2000 the Federal Assembly passed legislation according to which regional executives would appoint members of the Federation Council instead of serving in that body themselves. During the year, this new system began to take effect, and regional executives will no longer serve on the Federation Council as of January 1, 2002.

The Law on the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the Law on Public Associations clarify which political public associations may participate in elections; add restrictions on preferential media coverage, donations, and financial or material support from foreign entities for campaign-related activities; introduce measures to reduce the number of noncompetitive political parties and candidates on the ballot; increase the level of information available to voters about candidates' financial and criminal history; and introduce provisions allowing multi-candidate constituencies. Changes to the Voting Rights Act affect legislation at both the federal and regional levels of the Russian Federation. The Constitutional Court was expected to rule on Voting Rights Act provisions that pertain to holding referendums, which may compel lawmakers to reconsider the law.

Political parties historically are weak organizationally. In July President Putin signed a law on political parties, which requires parties to have 10,000 members in order to be registered and function legally, with no less than 100 members in a majority of the country's 89 regions (see Section 2.b.). The law grants political parties a partial monopoly on running candidate for legislative office, creates serious hurdles for the registration of new political parties, and gives the executive branch and Procuracy broad powers to regulate, investigate, and close down parties.

The percentage of women in government or politics does not correspond to their percentage of the population. In the December 1999 elections, 32 female deputies were elected to the 450-member Duma, a decrease from the 46 female deputies elected to the Duma in 1995. A woman, Lyubov Sliska, serves as the First Deputy Chairman of the Duma. One woman, Valentina Matviyenko, serves as a Deputy Prime Minister.

The percentage of minorities in government or politics does not correspond to their percentage of the population. Legal provisions have allowed national minorities to take an active part in political life (see Section 5); however, ethnic Russians dominate the political system, particularly at the federal level, and national minorities generally are underrepresented in many areas of public life.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Many domestic and international human rights groups operate in the country and most investigated and publicly commented on human rights problems, generally without government interference or restrictions; however, some local officials harassed human rights monitors (see Section 1.d.). The Government's attitude towards human rights NGO's varied; the level of cooperation tends to depend on the perceived threat to

national security or level of opposition that an NGO might pose. For example, NGO's monitoring prison conditions enjoy an excellent relationship with government authorities, while those monitoring Chechnya have a more tense relationship. Officials such as Vladimir Kalamonov and Oleg Mironov regularly interact and cooperate with NGO's.

Several NGO's are headquartered in Moscow and have branches throughout the country. Some of the more prominent human rights organizations are the Public Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Union of Soldiers' Mothers' Committees, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups are recognized and consulted by government and legislative officials for their expertise in certain fields, and such groups participate (with varying degrees of success) in the process of drafting legislation and decrees. The prominent human rights organization Memorial worked with the offices of Kalamonov, and the Government provided security for Memorial's trips to the regions.

In October the Moscow Helsinki Group announced the release of its third annual survey of human rights conditions in the country. For the first time, the report covered all 89 of the country's principal administrative divisions. The report noted serious human rights problems in Chechnya and expressed concerns about the position of Chechen refugees in Ingushetia, limitations on freedom of speech, what it described as the formation of a "managed" democracy, and "spymania" cases.

There are various types of regionally based human rights groups. Socioeconomic rights groups are the most numerous and monitor issues such as unpaid wages and benefits. There are fewer civil-political rights groups, and among these groups are "generalist" organizations that cover the range of human rights issues, and "specialist" organizations that cover only one issue. There are public legal centers that provide legal advice to the general public (see Section 1.e.). These centers usually are run on a part-time basis by lawyers who, while they cannot afford to offer trial counsel or actual legal work, offer advice at no cost on legal rights and recourse under the law. Resources for human rights work are scarce; most groups rely on foreign support in the form of grants to maintain operations.

Regional human rights groups generally receive little, if any, international support or attention. Although at times they reported that local authorities obstructed their work, criticism of the Government and regional authorities usually was permitted without hindrance. Criticism of a specific political leader in the region (usually the governor or a senior law enforcement official) reportedly was less tolerated. Local human rights groups have far fewer opportunities than their Moscow counterparts to interact with legislators to develop legislation; some are excluded from the process entirely by local authorities.

Many observers expressed concern over the Government's involvement in efforts to organize NGO's into a semiofficial grouping called the Civil Forum. Some prominent human rights groups questioned the need for such a grouping and expressed concern that the Government would attempt to exercise oversight of the NGO community through such an organization. From November 20 to 21, the Civil Forum hosted roundtable discussions between NGO's and government officials. The 2-day forum at the Kremlin was opened by MHG chair Lyudmila Alekseyeva and was addressed by the President, who reiterated his support for civil society and stated that civil society cannot be organized or directed from above. Several thousand NGO representatives met in 2 plenary sessions and a series of roundtables and discussions with government officials on more than 70 topics. Some discussions led to agreements between NGO and government representatives to continue that dialog—for example on Chechnya—on a regular basis. NGO representatives generally expressed satisfaction that the Forum was useful in highlighting the importance of civil society, and that officials and progovernmental participants had respected prior agreements not to use the Forum to attempt to "manage" civil society from above and thus to compromise the independence of NGO's.

The Government, especially the FSB and the Interior Ministry, tend to view international human rights organizations with suspicion. There were reports of bureaucratic delays in permit issuance and at road checkpoints that appeared to be motivated by a desire to limit the mobility of human rights workers.

During the year, many domestic and international NGO's continued their work in Chechnya despite the threats posed by the ongoing military conflict. Within Chechnya, some international NGO's maintained small branch offices staffed by local employees; however, all international NGO's had their bases outside of Chechnya (see Sections 1.b. and 1.g.). Russian authorities reportedly delayed the registration and delivery of armored vehicles promised by the Ministry of Internal Affairs. These vehicles are necessary in order for the OSCE to travel around Chechnya.

The Government has yet to comply with the provisions of the U.N. Commission on Human Rights (UNCHR) Resolution 2000/58, adopted in April 2000, on Chechnya to facilitate visits to the region by U.N. special



rapporteurs and special representatives of the Secretary General. The Government reportedly invited only the Special Representative for Children and Armed Conflict, and the Special Rapporteur for Violence against Women but explicitly separated these invitations from the resolution. The Government did not invite the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, or the Special Representative of the Secretary General on Internally Displaced Persons.

In October the Council of Europe (COE) announced that it had reached an agreement with the Government to extend the mandate of its human rights monitors in Chechnya until the end of the year. Since June 2000, three COE monitors have been working full-time in the office of the Government's human rights representative in Chechnya Vladimir Kalamonov; however, many human rights activists charge that the COE and the OSCE have been ineffective in improving the human rights climate in Chechnya.

The Government's human rights institutions lack independence, but some of them make efforts to promote human rights. The Office of the Russian Federation Human Rights Ombudsman, headed by Ombudsman Oleg Mironov, comments on a broad range on human rights issues. Mironov's office has more than 150 employees and has several specialized sections responsible for investigating complaints of human rights abuses, including a section on religious freedom and a section on human rights education. During the year, the office published various reports on human rights problems. In eight of the regions, regional human rights ombudsmen established operations similar to Mironov's. In other regions, human rights commissions were set up; however, the effectiveness of the regional ombudsmen and committees varies significantly from region to region.

The President's Human Rights Commission, composed primarily of government officials (unlike the 1993-96 commission under Sergey Kovalev, which included a large number of human rights monitors), remained largely inactive during the year. Some human rights groups continued to complain that the Commission's focus has changed from advocacy of human rights to defending the Government's policy and that the Commission has failed to engage well-established human rights NGO's. According to Commission chair Vladimir Kartashkin, his role is mainly consultative and investigatory, without powers of enforcement. Kartashkin receives little financial support from the Government and has a very small staff that spends most of its time responding to letters from the regions. In addition the Commission usually adopts progovernment positions on most issues, which has raised the question of its objectivity.

Citizens may file appeals to the European Court of Human Rights (ECHR) in Strasbourg about alleged human rights violations that occurred after May 5, 1998, when the European Convention on Human Rights came into force in the country. Complainants need not exhaust all appeals in domestic courts before they can turn to the European Court, but must exhaust "effective and ordinary" appeals, which usually include two appeals (first and cassation) in courts of ordinary jurisdiction and three (first, appeal, and cassation) in the commercial court system. By October 31, the ECHR had received more than 7,000 complaints from Russia, including dozens from Chechnya. Many applications were rejected at the first stage of proceedings as being clearly incompatible with the formal requirements of the European Convention. Some cases were put on the Court's calendar for fuller consideration, but because of the extreme complexity of the procedure, and because the Government has failed to reply expeditiously or at all to the initial complaints accepted by the ECHR, no cases have yet been heard on their merits.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, language, social status, or other circumstances; however, both official and societal discrimination persisted.

#### Women

Domestic violence remained a major problem, and victims rarely have recourse to protection from the authorities. Police are reluctant and sometimes unwilling to intervene in what they regard as purely domestic disputes. Many women are deterred from reporting such crimes, not only because of social and family pressure, but also because the tight housing market makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. Much of society, including some leaders in the human rights community, do not acknowledge domestic violence as a problem or do not believe it is an area for concern outside of the family. No reliable statistics exist to evaluate the true extent of the problem nationwide, and individual jurisdictions vary in their statistical methodology. There is a general lack of understanding of these problems in the legal community, and there is no legal definition of domestic violence. Some forms of battering are addressed in the Criminal Code but are defined too narrowly to apply to most cases. There also is no national political will to consider these problems seriously. More than four dozen versions of a national civil law to address domestic violence have failed to make any progress in the Duma. Several NGO's expressed serious concern about guidance provided to the new justices of peace--to whom

most such cases are expected to be referred—which instructs the justices to reconcile the battered and the batterer and return the victim to the home as soon as possible. Yelena Yershova of the Consortium of Women's NGO Associations has pointed out that law enforcement authorities distinguish between crimes committed outside the home and "acts of violence" committed at home. In the latter case, such acts often are not treated as crimes, but rather as a domestic affair.

In November an MVD official estimated that on average, there are more than 250,000 violent crimes against women annually; however, government officials and NGO's agreed that such crimes usually are not reported. From January through mid-November, police recorded more than 7,000 crimes of rape (in 2000, 7,900 rape cases were registered for the entire year), and 6,300 other sexually related crimes. In 2000 6,441 persons were convicted of rape; 1,143 received conditional sentences. The percentage of rape crimes that were solved was 82 percent. The Government provides no support services to victims of rape or other sexual violence; however, victims may act as full legal parties to criminal cases brought against alleged assailants and may seek legal compensation as part of the verdict, without seeking a separate civil action. Hospitals, crisis centers, and members of the medical profession provide assistance to women who have been assaulted; however, to avoid spending long periods of time in court, some doctors are reluctant to ascertain the details of a sexual assault or collect physical evidence.

Prostitution is not a crime, although a revision of the administrative code during the year made prostitution and pimping administrative violations, which are subject to fines (see Section 6.f.). Such violations carry financial penalties in the form of fines calculated in multiples of weekly minimum wages. Prostitution carries a penalty of five minimum wages, or roughly \$100. Trafficking of women for sexual exploitation or forced labor is a serious problem (see Section 6.f.).

Despite serious difficulties, many groups continued to address violence against women. NGO's, alone or in cooperation with local governments, operate more than 55 women's crisis centers throughout the country, and their number continued to grow. In addition the crisis centers have formed an association in order to coordinate their efforts better. Several NGO's provide training on combating trafficking to police, procurators, justices of the peace, and others in government.

Women reported sexual harassment in the workplace, and anecdotal information suggests that many potential employers seek female employees who are receptive to sexual relations. The Constitution states that men and women have equal rights and opportunities to pursue those rights. The Labor Code prohibits discrimination, stating that every person has the right to equal pay for equal work; however, the phrase, "without complexes," is used occasionally in job advertisements. Some firms ask applicants for employment to complete a form including the abbreviation "VBO," a Russian-language abbreviation for "possibility of close relations," to which the applicant is expected to reply "yes" or "no." There is no law that prohibits sexual harassment and women have no recourse when sexually harassed.

Job advertisements often specify sex and age groups, and sometimes physical appearance as well. Credible evidence suggests that women encounter considerable discrimination in employment. NGO's continued to accuse the Government of condoning discrimination against women, contending that the Government seldom enforces employment laws concerning women. Employers prefer to hire men, thereby saving on maternity and childcare costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. Employers also try to avoid the requirement of 3-year paid maternity leave for childcare. Moscow human resources managers privately admit that discrimination against women in hiring is common. There also is a trend toward firing women rather than men when employees are laid off. Women are subject to age-based discrimination. While there are no official statistics available, government officials estimated that of the 8.1 percent of the workforce unemployed in late September, 70 percent were women.

Women continue to report cases in which they are paid less for the same work that male colleagues perform. There has been no substantial research in this area, so exact figures are unavailable; however, women's average incomes generally are estimated to be significantly below average male incomes. Professions dominated by women are much lower paid than those dominated by men. Women also tend to work in industries where market reforms remain weak and wages low, such as the textile and defense sectors, while men increasingly are taking jobs in the fast-growing, more profitable financial and credit sectors where wages are substantially higher.

#### Children

The Constitution assigns the Government some responsibility for safeguarding the rights of children and the State endeavors to provide, within its limited means, for the welfare of children. A Family Code regulates children's rights and marriage and divorce issues.

The educational system includes both private and public institutions. Children have the right to free education until grade 11 (or approximately 17 years of age), and school is compulsory until the 9th grade. Boys and girls are treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently deny school access to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration (see Section 2.d.). During the year, Afghan refugees, most of whom came to the former Soviet Union during the Soviet occupation of Afghanistan, organized a school in Rostov to teach their children Dari, Russian, and English. Reportedly there are approximately 3,000 Afghan orphans in the country.

Under the law, health care for children is free; however, the quality varies, and individuals incur significant out of pocket expenses. According to a UNICEF survey, children of IDP's from the Chechen conflict suffer disproportionately from chronic anemia and have a low rate of vaccinations due to the collapse of local health and education systems as a result of the conflict.

The status of many children has deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. An estimated 50,000 children run away from home each year. The main reasons for this reportedly were family violence, financial problems, or social problems such as drug or alcohol abuse by one or both of the parents. In Moscow approximately 6,000 children per year are brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stay in COVINA for no more than 30 days. During this period, the child's case is investigated and his or her guardian is located; however, in 90 to 95 percent of these cases, the police simply return the child to their family or to the institution from which the child ran away. Many officials consider domestic problems private affairs and prefer not to interfere.

Trafficking in children was a problem (see Section 6.f.).

Figures for homeless children are unreliable at best. Nationwide they range from 1 to 4 million; however, estimates vary widely and scientific studies use differing methodologies to count street children. In October the newsweekly Vremya MN reported that there were approximately 28,000 street children in Moscow, according to a sociological survey. The St. Petersburg NGO Lazaret has estimated that there are 15,000 to 17,000 local children with some social ties to their family, school, or orphanage who live on the street part-time; 500 to 700 live completely without shelter. In addition there are approximately 3,000 young persons aged 18 to 24, most of whom were discharged from state institutions and given state housing, who have difficulty maintaining a residence and adapting to noninstitutional life in general. Homeless children often engage in criminal activities, receive no education, and are vulnerable to drug and alcohol abuse. Some young girls on the street turn to or are forced into prostitution in order to survive (see Section 6.f.).

In the St. Petersburg region, local government and police run various programs for homeless children and cooperate somewhat with local NGO's; however, resources are few, and overall coordination is poor. Local and international NGO's provide a variety of services for the homeless. Many Moscow charitable organizations have established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups. Perspektiva works with children and medical personnel in an orphanage for children with disabilities in Pavlovsk. Bereg runs a shelter and offers training programs to children and social workers. Citizens' Watch conducted seminars on legal and social aspects of the problem.

Attention continued to focus on the status of orphans and those children with disabilities who have been removed from mainstream society and isolated in state institutions. Statistics on the number of orphans, institutionalized children, and adoptions during the year were not available. A 1999 study cited in the journal Protect Me reported that there were approximately 657,000 children without parental care in the country, of these approximately 200,000 were in institutions. A complex and cumbersome system was developed to manage the life-long institutionalization of some children; three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Rather than focus on the needs of the children, the system revolves around the institutions. The welfare of the children has been lost within the bureaucracy, and little clear recourse exists in instances of abuse by the system. Human rights groups alleged that children in state institutions are provided for poorly (often because funds are lacking) and in some cases are abused physically by staff. Life after institutionalization also poses serious problems, as children often lack the necessary social, educational, and vocational skills to function in society. While there are no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups have compiled some important information. Many NGO's, including Human Rights Watch and Mental Disability Rights International, have called for reform to the child protection system. Several approaches have been proposed to reform the orphanage system and have been implemented by regional governments with the help of international donors. For example, the Primorye region is piloting foster care services and Samara has converted orphanages to family support centers.

Although comprehensive statistics are not available, the prospects for children and orphans who are disabled

physically or mentally are extremely bleak. The most likely future for such children is a lifetime in state institutions. The label of "imbecile" or idiot, which is assigned by a commission that assesses children with developmental problems at the age of 3 and which signifies "uneducable," almost always is irrevocable, and even the label of "debil"--lightly retarded--follows a person throughout his or her life on official documents, creating barriers to employment and housing after graduation from state institutions. One study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights found that on graduation at the age of 18 from a state institution for the lightly retarded, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. The existing system provides little oversight and no formal recourse for orphans who have been misdiagnosed as mentally ill or retarded or who are abused or neglected while in state institutions. Facilities to which such children are remanded frequently use unprescribed narcotics to keep children under control.

The Rights of the Child Program has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification and the Ministry of Labor and Social Development continued to work with UNICEF on a pilot program to establish regional children's rights ombudsmen. During the year, the Moscow city Duma created the position of a children's ombudsman for human rights. According to the Ministry and the Rights of the Child NGO, there are ombudsmen in the cities of Yekaterinburg and St. Petersburg and in the regions of Arzamas Volkskiy, Novgorod, Chechnya, Ivanovo, Kaluga, and Volgograd. Ombudsmen may only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Conditions for children in prisons and pretrial detention were problems (see Sections 1.c. and 1.d.).

Reportedly Russian troops in Chechnya placed Chechen boys ages 13 and older in filtration camps where some are beaten and raped reportedly by guards, soldiers, or other inmates. The women's action group "White Kerchief" (Belyy platok) reported that some federal forces engaged in the kidnapping of children in Chechnya for ransom.

#### Persons with Disabilities

The Constitution does not address directly the issue of discrimination against persons with disabilities. Although laws exist that prohibit discrimination, the Government has not enforced these laws. The meager resources that the Government can devote to assisting persons with disabilities are provided to veterans of World War II and other conflicts.

The law requires that firms with more than 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for them. The law also removed language defining an "invalid" as a person unable to work; however, the Government has not implemented this law. Some persons with disabilities find work within factories run by the All-Russian Society for the Disabled; however, the majority are unable to find employment, frequently are discouraged from working, and are forced to subsist on social benefits.

Special institutions exist for children with various disabilities but do not serve their needs adequately due to a lack of finances. Being a child with disabilities still is a serious social stigma in the country, an attitude that profoundly influences how institutionalized children are treated. Many children with physical or mental disabilities are considered uneducable, even those with only minor birth defects. Parents wishing to enroll a child in an ordinary secondary school in Moscow must produce a medical certificate affirming that the child is in perfect health. Families with children with disabilities received extremely low state subsidies that have not changed to reflect inflation since the Soviet era. According to a 1998 Human Rights Watch report, many children with disabilities in institutions are confined to beds around the clock or to rooms that are lit, heated, and furnished inadequately. The children are given only minimal care by low-paid unskilled workers with no training in the care of the disabled. In November the President issued a decree designating several programs for children with disabilities. Reportedly the designation is an honorary one and does not affect those programs' budgets.

The Government does not mandate special access to buildings for persons with disabilities, and access to buildings was a problem.

The NGO Society for the Defense of Invalids continued to work to broaden public awareness and understanding of problems concerning persons with disabilities by conducting workshops, roundtables with public officials, and training programs for the disabled. On October 24, the Third Congress of the All-Russian Society of Invalids, which represents more than 2 million persons, called on the Government to devote more resources to help the more than 4 million persons with disabilities in the country.

## Indigenous People

A 1999 law on indigenous ethnic communities, provides for their support, permits the creation of self-governing bodies, and permits them to seek compensation if economic development threatens their lands. In some areas, local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia; the Tatar and Bashkiri in the Urals; the people of the North, including the Enver, Tatarli, and Chukchi; and others work actively to preserve and defend their cultures, as well as the economic resources of their regions. Most believe that they receive the same treatment as ethnic Russians, although some groups believe that they are not represented or are underrepresented in regional governments. The principal problems for indigenous people are the distribution of necessary supplies and services, particularly in the winter months for those who live in the far north, and disputed claims to profits from exploitation of natural resources.

Some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the development of indigenous people. Responsibility for government policy toward indigenous people has been transferred between government agencies several times in the last few years. In October when the President issued a decree abolishing the Ministry of Federation Affairs, Nationalities, and Migration Policy, he also issued a decree calling for the creation of a new minister without portfolio to coordinate nationalities policy; a new minister was appointed by year's end.

## Religious Minorities

While religious matters are not a source of societal hostility for most citizens, relations between different religious organizations frequently are tense, particularly at the leadership level, and there continued to be instances of religiously motivated violence. Many citizens believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian, and Russian Orthodoxy is considered in conservative nationalist circles as the de facto official religion of the country.

Muslims, Jews, and members of other minority religions continued to encounter prejudice and societal discrimination. For example, Jewish groups, led by the Federation of Jewish Communities (FEOR) head Rabbi Berel Lazar, have taken a strong public stance against groups such as "Jews for Jesus," and have coordinated with the Russian Orthodox Church and other groups to fight the spread of "cults" and foreign missionaries. On April 20, activists in Rostov Velikiy picketed the proposed site for the construction of a Jehovah's Witnesses center, proclaiming their opposition to "totalitarian cults." In March the head of the local department of the Ministry of Justice and other local officials held a press conference at Nizhniy Novgorod's city hall in which they called for noncooperation with such groups as the Jehovah's Witnesses, the Moonies, and the Scientologists. From April 23 to 25, local Russian Orthodox Church officials held a conference in Nizhniy Novgorod, which was devoted to "Totalitarian Cults--Threat of the XXI Century," featured a number of presentations from both domestic and foreign "anticult" activists. In the materials that came out of the conference, groups such as Pentecostals, Mormons, Jehovah's Witnesses, the Unification Church, and Scientology were included in the list of "cults," despite the fact that all have legal status. In addition members of some religions, including some Protestant groups, Jehovah's Witnesses, Unification Church, Russian Orthodox Church Abroad, and the Mormons, continued to face discrimination in their ability to rent premises and conduct group activities in various communities throughout the country.

Hostilities toward "nontraditional" religious groups reportedly sparked occasional harassment and even physical attacks. On April 17 in Chekhov, in the Moscow oblast, unknown perpetrators threw a Molotov cocktail through the window of the home where an evangelical Christian church meets, burning down the building. The fire department and an ambulance arrived quickly, and the following day, the police investigated the scene and gathered evidence; however, according to the pastor, the perpetrators had not been arrested by year's end, and many parishioners were afraid to attend services with their families. On September 16, perpetrators hurled a Molotov cocktail into the Moscow headquarters of the Church of Scientology; the church had received bomb threats by telephone prior to the incident. By year's end, the police had arrested five suspects. On September 22, a group of teenagers attacked two Mormon missionaries in Krasnodar; both victims required stitches and one required minor surgery on his scalp. The local police registered the victims' charges against their assailants.

By various estimates, Muslims form the largest religious minority, but they continued to face societal discrimination and antagonism in some areas. In May the Keston News Service reported that Mufti Ravil Gaynutdin complained that a Russian Orthodox Church priest in Kolomna had called on the public to oppose construction of a mosque. Discriminatory attitudes have become stronger since the onset of the conflict in the predominantly Muslim region of Chechnya and since the 1999 Moscow apartment bombings, for which the mayor and others quickly blamed Chechen separatists. Authorities, journalists in the press, and the public have been quick to label Muslims or Muslim organizations "Wahhabists," a term that has become synonymous with "extremists." On March 11, NTV reported that the Mordovian State University had instituted a careful

selection process intended to exclude potential "Wahhabis;" the university did not define the term. Such sentiment has led to a formal ban on "Wahhabism" in Dagestan and to overtures in the Duma to explore the possibility of a similar national law. On September 12, law enforcement officials in Sverdlovsk Oblast called for a stricter national immigration policy to control the inflow of illegal immigrants from Central Asian countries, a move apparently aimed against a perceived Muslim terrorist threat. Several prominent human rights activists expressed concern about the rise of anti-Islamic attitudes following September 11 terrorist attacks in the U.S.

Although Jewish leaders have stated publicly that the State-sponsored anti-Semitism of the Soviet era no longer exists, Jews continued to face prejudice and social discrimination. Anti-Semitic leaflets, graffiti, and articles continued to appear in some regions, such as St. Petersburg, Ryazan, and Krasnodar. For example, in January during gubernatorial campaigns throughout various regions, anti-Semitic graffiti appeared in public spaces. Anti-Semitic themes continued to figure in some local publications around the country, unchallenged by local authorities. However, traditionally anti-Semitic publications with large distributions, such as the newspaper *Zavtra*, while still pursuing such anti-Semitic themes as the portrayal of Russian oligarchs as exclusively Jewish, appeared to be more careful than in the past about using crude anti-Semitic language. According to the Union of Councils for Jews in the Former Soviet Union (UCSJ), which monitors anti-Semitism in the various regions of the country, a punk rock concert held in Tver in March featured a band "Pagan Reign" who screamed anti-Semitic slogans such as "Beat the Yids! Save Russia!"

On May 29, the UCSJ released a special report on anti-Semitism in academia, citing prominent professors and university administration officials in the Altay region, Vladimir, Pskov, and St. Petersburg who have expressed anti-Semitic views, either in their publications or in a public forum. The report details how these regional educators and administrators propagate conspiracy theories and negative stereotypes about Jews.

During the year, unknown persons vandalized Jewish synagogues, cemeteries, and memorials. On April 25, Glasnost News Service reported that the memorial to Jewish soldiers killed in World War II, that was due to be opened on May 9 in Vladikavkaz, had been destroyed completely by unknown vandals. On August 16, in a widely publicized case, there was an arson attack on the Jewish synagogue in Ryazan. There were no casualties, but the fire caused about \$25,000 (25,359 rubles) worth of damage, according to Ryazan Jewish leaders. Although Jewish leaders welcomed the quick reaction of local authorities, no arrests had been made in the case by year's end.

On August 19, in Krasnoyarsk, vandals desecrated 32 tombstones in a Jewish cemetery by painting them with swastikas and anti-Semitic graffiti. The Anti-Defamation League (ADL) sent letters to Krasnoyarsk leaders, including Governor Aleksandr Lebed, urging swift investigation and a clear stand against anti-Semitism. The authorities helped the Jewish community remove the graffiti, but no arrests were reported. Afterwards Alexander Axelrod, the Director of the ADL Moscow office, stated, "...[C]emetery desecrations remain one of the most common types of anti-Semitic attacks in Russia." Several other Jewish cemeteries, including those in Nizhniy Novgorod and Samara, also were vandalized during the year. According to a press report, a Samara judge reportedly found the leader of a local group of "Satanists," Mikhail Pankov, responsible for the desecration of the cemetery in Samara and declared him insane. Pankov reportedly was sent to a psychiatric institution for treatment.

In another high-profile case on September 23, vandals spray-painted swastikas and other anti-Semitic graffiti on the front columns of the main entrance to Moscow's Choral Synagogue. This act was perpetrated just days after the Rosh Hashanah visit to the synagogue of Moscow Mayor Yuriy Luzhkov and other dignitaries. No arrests were made by year's end. On September 24, vandals carved the Russian equivalent of the word "kikes" on the front door of the office of the Congress of Jewish Religious Organizations and Communities of Russia. The ADL expressed concern that this spate of anti-Semitic incidents may be the result of the nationalist rhetoric of some politicians who had blamed "Jews and Zionists" for the September 11 terrorist attacks on the U.S. Axelrod stated to the press, "Nationalism and xenophobia figure prominently these days in the press, in public rantings, on the Internet. This isn't a pure coincidence that Orthodox Jews and institutions are being attacked as the most visible sign of Jewish presence in Russia."

Numerous other anti-Semitic incidents occurred across the country during the year. For example, in September there were three violent assaults. On September 22, a group of youths assaulted an Israeli rabbi and three other visiting Israelis on a street in the Siberian city of Omsk; the youths pushed off the rabbi's hat and shouted Nazi slogans at the four Israelis, but no one was injured. On September 23, a dozen skinhead youths beat up four yeshiva students in Moscow, and in the city of Orenburg, thugs attacked a group of Orthodox Jewish schoolboys.

The ultranationalist and anti-Semitic Russian National Unity (RNE) paramilitary organization, formerly led by Aleksandr Barkashov, appears to have splintered and lost political influence in many regions since its peak in 1998. Although reliable figures on RNE membership were not available, the organization claimed tens of thousands of members in many regions in 2000. The RNE continued to be active in some regions, such as

Voronezh, and RNE graffiti has appeared in a number of cities, including Krasnodar. In several regions such as Moscow and Kareliya Oblast, authorities have limited the activities of the RNE by not registering groups. Representatives of the Church of Scientology accuse RNE and other ultranationalist organizations of violence or threats of violence against their activities in a number of Russian cities, including Nizhny Novgorod, Barnaul, and Yekaterinburg.

During the year, President Putin and other top Kremlin officials spoke out publicly against anti-Semitism, and in September issued an open letter to members of the Jewish community on the occasion of the Jewish New Year. In that letter, Putin noted that the problem of anti-Semitism persisted and reiterated the Government's commitment to fight it. FEOR's Rabbi Berel Lazar cited the letter as the first time a President had acknowledged publicly anti-Semitism as a problem to be addressed. In May Duma Deputy Aleksandr Fedulov proposed a resolution calling on President Putin to speak publicly against anti-Semitism. The resolution was supported almost unanimously by the progovernment Yedinstvo faction but did not garner enough votes to pass; the Communist faction voted unanimously against it. The Government has implemented partially an interagency program to combat extremism and promote religious and ethnic tolerance (see Section 2.c.).

During the year, there were many instances of politically or religiously motivated violence against religious workers in the northern Caucasus. There have been reports that Chechen fighters targeted Russian Orthodox priests in Chechnya for killing. Several Muslim clerics were killed during the year in Chechnya as well, including Magomed Khasuyev, Imam Umar Idrisov, and Imams Mudayev and Umalatov, all of whom were killed in January.

#### National/Racial/Ethnic Minorities

The multiethnic population is made up of more than 100 national groups. Many of the 89 subdivisions or "subjects" of the federation are formed on the basis of the subdivisions' predominant ethnic group. (For example, the Republic of Chuvashiya is the homeland of the Chuvash people, who make up 68 percent of the Republic's population.) The Constitution prohibits discrimination on the basis of nationality and makes provision for the use of national languages in the various sub-divisions alongside the official Russian language. The Constitution also states that each citizen shall have the right to define his or her own national identity and that no citizen shall be required to state officially his or her nationality; however, Roma and persons from the Caucasus and Central Asia faced widespread governmental and societal discrimination, which often was reflected in official attitudes and actions. Discrimination against persons from the Caucasus and Central Asia are affected disproportionately by new measures, at both the federal and local levels to combat crime. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Law enforcement authorities also targeted persons with dark complexions for harassment, arrest, and deportation from urban centers. In Moscow such persons were subjected to far more frequent document checks than others and frequently were detained or fined in excess of permissible penalties. Police often failed to record infractions by minorities or issue a written record to the alleged infractors. In October more than 100 Roma were expelled forcibly from the Krasnodar region to Voronezh (see Section 1.f.).

During the year, the President and other prominent officials issued numerous declarations regarding the multiethnic nature of the country and calling for tolerance. Nonetheless, there were numerous racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, and were carried out by private individuals or small groups, inspired by racial hatred. Some of the attackers were known to local law enforcement authorities for their racial intolerance or criminal records. For example, during the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by "skinheads" and members of other racist and extremist groups. Police made few arrests although many such cases were reported by human rights organizations. Many victims, particularly migrants and asylum seekers who lack residence documents recognized by the police, choose not to report such attacks or report indifference on the part of police.

On April 23, youths stabbed an 18-year-old Chechen man, Meyerbek Yelesayev, to death near the Kremlin. On May 9, a group of skinheads attacked and beat approximately 11 members of the church group Pathfinder International in Victory Park in Moscow; one individual was beaten so severely that he lost consciousness. An interpreter and the leader of the group who was an African American, were targeted in particular.

On August 23, youths attacked Massa Mayoni, an asylum seeker from Angola, outside the UNHCR processing center in Moscow; Mayoni later died from his wounds. In November Moscow police arrested a 16-year-old suspect on charges of killing Mayoni. The youth was arrested following a general crackdown on extremism in the wake of the October 30 attacks on Caucasian merchants near Moscow's Tsaritsyno metro station.

On October 30, in a marketplace near the Tsaritsyno metro station in Moscow, an estimated 100 to 300 youths

from Moscow's southern neighborhoods kicked and beat dozens of persons with metal bars, almost all of the victims belonged to ethnic groups from the Caucasus and Central Asia. The youths were shouting nationalist and racist slogans during the attack, most continued their attacks at other locations during the night. Although many victims did not seek medical attention, reportedly because they lacked Moscow residence permits and sought to avoid official scrutiny (see Section 2.d.), at least three persons died as a result of the attack: a 17-year-old ethnic Tajik; a 17-year-old ethnic Azeri; and a 37-year-old Indian national. Following the attack, local law enforcement took 30 persons into custody and brought a charge of murder against one detainee, and charges of hooliganism against others. Police also contacted representatives of ethnically-based associations in Moscow to discourage them from reprisals. On November 2, in response to the attacks; President Putin tasked Justice Minister Yuriy Chayka with working faster on the preparation of antiextremist draft legislation that his ministry has long been preparing; by year's end, the ministry reportedly had completed its work on the draft legislation. On November 5, the President also ordered Interior Minister Boris Gryzlov to crack down on interethnic violence, and police made arrests in several outstanding cases. Moscow Mayor Yuriy Luzhkov, Human Rights Ombudsman Oleg Mironov, and others publicly expressed their disapproval of and dismay at the attacks and the mayor acknowledged manifestations of racism and nationalism to be a "serious" problem. The event generated significant discussion of the neo-Fascist movement in the press, and the official news daily Rossiyskaya Gazeta criticized the Moscow police for labeling the youths as "soccer hooligans" rather than as members of extremist groups.

A government review of the implementation of existing laws against acts of national, racial, and religious hatred revealed that 25 criminal investigations were conducted in 1998 and that in 1999 10 were opened. The Ministry of Justice reported that in 2000, 17 crimes were investigated under the same statute. Of these cases, 8 ended up in court; however, there is no information on the number of convictions that resulted. During a public debate in May, Duma deputy Fedulov claimed that only one conviction had been obtained. According to the Procuracy General, as of November 1, 37 criminal cases of incitement to national, racial, or religious hatred had been opened pursuant to the Criminal Code. According to the statistical department of the Supreme Court, as of July 1, the Procuracy had brought five such cases to court, but none of the accused was convicted.

In its local legislation, the Republic of Bashkortostan names Bashkiri and Russian as its two official languages, and excludes Tatar; there are more Tatars than Bashkir in the republic, and Tatars constitute 30 percent of the republic's population. The legislature of the republic of Tatarstan appealed to the Bashkortostan legislature to include the language, but the appeal was rejected. The law remained in effect at year's end.

Chechen IDP's and the Civic Assistance Committee for migrants reported that Chechens face great difficulty in finding lodging in Moscow and frequently are forced to pay at least twice the usual rent for an apartment.

## Section 6 Worker Rights

### a. The Right of Association

The law provides workers with the right to form and join trade unions; however, in practice government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) limited the exercise of this right. Approximately 54 percent of the work force is unionized (of an estimated 71 million workers), and approximately 4 percent of union members belong to independent free trade unions; however, there is no authoritative data on union membership, because there was no mandatory reregistration of union members following the Soviet era, during which time all workers were registered as trade union members. Union membership overall continued to fall as a result of economic restructuring, including the closing of some enterprises and a resistance by some foreign companies to trade union activities.

The FNPR continued to claim that some 80 percent of all workers belong to the FNPR, although International Labor Organization (ILO) representatives state that 50 percent is a more accurate estimate. The FNPR largely dominates the union movement and provides a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its Soviet predecessors, including office and recreational property. The majority of its income comes from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently include management as part of the bargaining unit or elect management as delegates to its congresses. The FNPR and other trade union federations act independently on the national political level, but in some cases FNPR unions are affiliated closely with local political structures. Political parties often cooperate with unions, for example, in calling for a national day of protest.

On January 1, a new Tax Code became effective, which included a single social tax and essentially ended trade union control over the distribution of social benefits at the federal level. However, as the owner of many service facilities and the largest group of unions, the FNPR continued to play a significant role at the municipal and regional level in setting priorities for the distribution of social benefits, such as child subsidies and



vacations, based on union affiliation and politics. Such practices discouraged the formation of new unions. Other trade unions claimed that the consolidation of social security assets in the federal budget and the additional layer of bureaucracy in the distribution of social benefits have led to reduced benefits for workers and the public in general.

The number of court decisions supporting the right of association and ruling in favor of employees continued to increase during the year; however, the enforcement of these court decisions remained a problem. Employees tend to win their cases if brought to court but many remained reluctant to do so. Most workers do not understand or have faith in the legal structure and fear possible retaliation. For example, in June members of a locomotive engineers' union in Syzran filed suit against management, demanding back payment for delayed bonuses. Management repeatedly boycotted the court hearings, which resulted in numerous postponements. The court has refused the plaintiffs' requests that the defendant be fined for contempt of court. In November the judge verbally requested that management make the payments; however, no payment had been made to the workers by year's end. In a 1998 case, the Ust-Ilimsk air traffic controllers' union won a court case against management for reimbursement of the difference between wages they were actually paid and the wages they were entitled to receive under the industrial tariff agreement, as well as additional leave; however, the municipal court later cancelled its decision at management's request. In May the court reconsidered the case and again awarded the controllers additional leave. A court decision on compensation for wage differentials was pending at year's end.

Management and FNPR local unions often worked together to discourage the establishment of new unions. In September 2000, three members of unions of municipal electric transportation workers (drivers and ticket salespersons) filed complaints with the Commission for Labor Dispute Resolution, demanding management at depots within the Yekaterinburg electric transportation system award them additional annual leave in compensation for hazardous working conditions, as required by law. During the dispute, FNPR-affiliated unions at these depots, which represent the vast majority of employees, claimed to be part of management. The Labor Dispute Commission, which included FNPR and management representatives, ruled against the plaintiffs. In June the unions appealed this ruling and the 3 union members were awarded additional leave; however, the Commission denied subsequent requests in the spring by 19 other union members who sought similar compensation. In August 1999, management at the Alit Factory and the Sverdlovsk Oblast FNPR leadership convened a "trade union conference" during which a newly elected chairman of a local construction workers' union was dismissed from her position. The chairman filed a case in the municipal court, claiming that management and the oblast committee of FNPR were not authorized to convene a local union's conference and that conference participants were not even members of the local union; however, the municipal court refused to hear the case. In May 2000, the chairman appealed the decision to the oblast court, which ruled in her favor; in July 2000, the case was remanded to the lower court, which ruled against the chairman. In September 2000, the chairman appealed to the oblast court, which then ruled against her.

In accordance with the law, all civic organizations founded before 1994 were required to reregister with the Ministry of Justice by July 2000. The registration procedure for NGO's requires that the local departments of the Ministry of Justice check all articles of charter documents for compliance with existing laws; however, registration procedures for unions are governed by the Law on Trade Unions, which specifies that registration requires a simple "notification" and submission of documents. Local departments of the Ministry of Justice throughout the country often have ignored the procedures set out by this law and refused to register new unions without changes in charter documents or confirmation of attendance at founding conferences. Such practices have prevented the registration of new unions or the reregistration of existing ones.

In some cases, local Ministry of Justice officials acting outside of their legal authority canceled the registration of unions. In the fall of 2000, a municipal court canceled the registration of an independent free trade union at the Voronezh Heating Utility Company at management's request; the union had confronted management on a number of worker rights violations. In 1997 the Sverdlovsk Court of Arbitration canceled the registration of a local union of utility workers at management's request. In June 2000, the Supreme Arbitration Court cancelled the initial ruling and sent the case back to the lower court, where a hearing was set for November 2000; however, the court dropped the case when management--the plaintiff in the case--failed to appear at the hearing. The union subsequently was removed from the trade union registry. In February the union again appealed to the supreme arbitration court, which denied the union's request that the initial ruling by the Sverdlovsk Court of Arbitration be reversed. These actions contradict the laws governing union registration and observers believe that they are a direct and illegal attempt to discourage labor activism.

The law provides for the right to strike; however, the right to strike remained difficult to exercise. Most strikes are considered technically illegal, because the procedures for disputes are exceedingly complex and require coordination of information from both sides, even before courts are involved, and civil courts may review strikes to establish their legality. The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Under this definition, most public sector employees, cannot strike. After a trade union declares a strike, the trade union, management, and local executive authority

have 5 days to agree on the required level of essential services. If no agreement is reached--which is often the case--the local executive authority simply decrees the minimal services, and often sets them at approximately the same level as the average workload. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes are organized by strike committees, rather than unions. There were no prolonged strikes during the year. Overall strike activity remained relatively low with only 275 strikes officially registered in the first 9 months of the year.

Court rulings have established the principle that nonpayment of wages--still by far the predominant grievance--is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages is not recognized as a strike; individuals therefore are not protected by the labor law's provisions against being fired while on strike.

The law bans strikes in the railway and air traffic sector, at nuclear power stations, and by members of the military, militia, government agencies, and disaster assistance organizations. As a result, workers in these professions have sometimes resorted to other forms of protest such as rallies, days of action, or hunger strikes. For example, in October air traffic controllers throughout the country conducted hunger strikes demanding changes to the proposed new draft Labor Code (see Section 6.b.).

Reprisals for strikes also are common, although strictly prohibited by law. In May members of the elevator maintenance workers union in Vladivostok organized a picket line to protest wage arrears. Although the union had informed the local administration of its intentions, local militia arrested the protesters and charged them with participation in an illegal picket line. In June the workers filed a lawsuit and the local court confirmed their right to demonstrate peacefully in accordance with the law.

In January 1999, according to an ILO report, unknown assailants murdered Gennadiy Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union, at the entrance to his apartment. Earlier that month, Borisov and other labor activists had picketed the airline headquarters to protest 4 months of unpaid wages. Borisov also reportedly was monitoring alleged illegal practices involving the company's shares. There were no significant developments in this case during the year, and it remained open.

Unions may freely form federations and affiliate with international bodies. There are several national and regional free trade union structures including the Russian Confederation of Labor (KTR) and the All-Russian Confederation of Labor (VKT). In November 2000, the international confederation of free trade unions accepted as members the KTR, the VKT, AND the FNPR.

#### b. The Right to Bargain Collectively

The law provides for the right of collective bargaining; however, this right is not always protected. The law requires employers to respond to a trade union's initiative and negotiate with the union, but no time limit is specified. Moreover the law does not require management to sign the agreement, even after both sides have signed protocols approving a draft text. As a result, the right to conclude a collective agreement is not protected. Employers often ignore the requirement to negotiate and refuse to come to the bargaining table or refuse to provide financial information demanded by trade unions. In the past, employers successfully have refused to negotiate collective bargaining agreements, particularly for unions not affiliated with the FNPR; however, some limited progress continued to be made in this area.

At year's end, workers in an independent trade union at the MedAvtoTrans (MAT) ambulance depot in Nizhniy Tagil were preparing to resume collective bargaining with depot management following a November decision by the arbitration court that ordered management to resume negotiations with the union. Prior to November 2000, MAT management had ignored a similar ruling by the local arbitration court obligating it to enter into collective bargaining with the union. MAT workers subsequently went on strike to protest management's refusal to negotiate. MAT management later reorganized depot operations, claimed that their action invalidated its existing collective bargaining agreement with the MAT union; however, an arbitration court ruled in November 2000 that management was still obliged to honor its agreement with the union until a new agreement replaced the earlier one. In June the mayor of Nizhniy Tagil signed a decree liquidating the MAT depot, although the depot continued to operate. Citing this decree, management declared the existing collective bargaining agreement invalid. The November ruling by an arbitration court found management's claim invalid.

Court rulings have established the principle that nonpayment of wages--still by far the predominant grievance--is an individual dispute and cannot be addressed collectively by unions (see Section 6.a.).

An estimated 16 to 18 percent of enterprises have registered officially collective bargaining agreements; however, the FNPR claims that approximately 80 percent of its enterprises have such agreements. It is not obligatory to register collective agreements, and it is likely that there are far more collective agreements than actually are registered. However, a gap in the law, which fails to establish the employer's legal identity, often makes collective agreements ineffective. This lack of clear identification under the law has made tripartite tariff agreements (with labor, management, and government participation) nonbinding at the municipal, regional, national, and industrial levels and has brought their legal validity into question. Even after an agreement is signed, employers often claim that the "employer representative" was not authorized to represent the factory involved.

In December President Putin signed into law a new labor code that will be implemented in 2002. The new code will diminish the role of the government in setting and enforcing labor standards. Under the new code, trade unions are expected to play a balancing role in representing workers' interests; however, there are significant gaps in the proposed regime, including no clear enforcement mechanisms for failure or refusal by an employer to engage in good faith collective bargaining or other obligations, and provisions that favor the designation of a majority union as the exclusive bargaining agent. There also is a substantial risk that existing unions will be dominated by employers under the proposed labor relations scheme, particularly in industries with oligopolistic structures.

In September the Government established a Moscow Labor Arbitration Court to handle the increasing number of labor violations registered each year. Ministry of Labor officials estimated that there were just over 2 million labor violations during the year. The court is a pilot project, and under the new labor code becomes law it is expected to lead to a system of similar courts in various regions.

The labor code and trade union law specifically prohibit antiunion discrimination; however, antiunion discrimination is a problem. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. In March a union officer of a trade union of security guards in St. Petersburg won a full reinstatement after being fired illegally for alleged violations of health and safety rules; the firing occurred shortly after the union officer became a member of the collective bargaining committee. Other more serious cases remain unresolved. In January 2000, the death of a youth in Polevskoy allegedly was due to the trade union activism of a parent who was a leader of the regional trade union center. The leader had received threats to her job and family after filing cases against the local procurator's office, municipal court, and police concerning misuse of funds. The leader subsequently left her position and an individual was charged with "hooliganism" in connection with the youth's death; however, union leaders remained doubtful about the individual's guilt. There have been no further developments in the investigation of her son's death.

There are no export processing zones. Worker rights in the special economic zones and free trade zones are covered fully by the existing Labor Code and are the same as in other parts of the country.

#### c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor; however, there were instances of its use. Women were trafficked from the country for the purpose of prostitution (see Section 6.f.). In addition according to credible media reports, significant numbers of foreign workers from countries of the former Soviet Union are forced to work without pay because their passports are held by firms that brought them into the country. There were reports of approximately 4,000 North Koreans brought into the country to work in the construction and timber industries in the Far East, with salaries remitted directly to their Government. Amnesty International charged that a 1995 Russian-North Korean bilateral agreement allows for the exchange of free labor for debt repayment, although the Russian Government claims that a 1999 intergovernmental agreement gives North Korean citizens working in Russia the same legal protections as Russian citizens.

Reportedly military officers have sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. The USMC reported that the practice by officers and sergeants of "selling" soldiers to others as slave labor (to build dachas, etc.), or to other officers with a military need for personnel continued. Such abuses are often linked to units in the Northern Caucasus military district. The largest single group of complaints the USMC received between January and September concerned the Ministry of Internal Affairs.

The Labor Code prohibits forced or compulsory labor by children; however, trafficking in children was a problem (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for

## Employment

The Labor Code prohibits regular employment for children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work. Children may, under certain specific conditions and with parental approval, work in apprenticeship or internship programs at the ages of 14 and 15. Such programs must not pose any threat to the health or welfare of children. The Ministries of Labor and the Interior are responsible for child labor matters; however, they did not enforce these laws effectively due to a lack of resources. Local police authorities are responsible for conducting inspections of organizations or businesses suspected of violating child labor laws; however, in practice investigations only occur in response to complaints.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevent widespread abuse of child labor legislation. Nonetheless the transition from a planned to a market economy has been accompanied by drastic economic, political, and social changes, including an increase in the number of children working and living on the streets because of a deterioration in the social service infrastructure, including access to education and health care (see Section 5). In some cases, economic hardship has undermined traditions and social customs and eroded the protection families traditionally provided to children. Homeless children especially are at risk for exploitation in prostitution or criminal activities (see Section 5). Children often are used by their parents to lend credence to their poverty when begging.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

### e. Acceptable Conditions of Work

The monthly minimum wage of \$15 (450 rubles) remained well below the official subsistence level of \$51 (1,524 rubles) per month and does not provide a decent standard of living for a worker and family. Approximately 27 percent of the population have incomes below this official subsistence minimum; however, most workers receive several times the monthly minimum, and the minimum wage is essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits. It is not a number used for real salaries. Enterprises often use this number to avoid taxation by reporting the number of employees paid at the minimum wage instead of reporting actual salaries. Research by the Moscow Center of Development stated that unreported wages accounted for approximately 35 percent of the total income of citizens during the year. A flat 13 percent personal income tax, which became effective January 1, appeared to reduce incentives of enterprises not to report actual wages; tax collection increased in nominal terms by 36 percent during the first 11 months of the year. In addition much of the population continued to reside in low-rent or subsidized housing and received various social services from enterprises or municipalities.

The Labor Code provides for a standard workweek of 40 hours per week with at least one 24-hour rest period. The law requires premium pay for overtime work or work on holidays. However, workers have complained of being required to work in excess of the standard workweek--10- to 12-hour days are common--, of abrogation's of negotiated labor agreements (see Section 6.b.), and of forced transfers.

The decline in the incidence of nonpayment of wages since the August 1998 currency crisis continued; however, the nonpayment of wages continued to be the most widespread abuse of the Labor Code, especially for workers in the education, medicine, and coal sectors. While the overall problem of nonpayment of wages appeared to diminish greatly, total wage arrears in November equaled over \$1.16 billion (3.7 billion rubles). The International Confederation of Trade Unions (ICFTU) contends that the total bill of wage arrears was more than \$15 billion. Although some enterprises still force their employees to take wages in barter, the practice continued to decrease.

An increasing number of workers owed back wages seek relief through the court system, but the process is lengthy. Courts often are willing to rule in favor of employees, but the collection of back wages remains difficult. Courts often insist that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also makes the process lengthier and more difficult for the affected workers and exposes them to possible retaliation (see Section 6.b.). It is widespread practice to remove the names of workers who win judgments for back wages, but have not yet received the wages, from the list of those who can buy food on credit from the company store.

Lack of labor mobility continued to be a problem. For various reasons, many workers are not able to move to other areas of the country in search of work. Many are constrained economically because their savings were

destroyed by past inflation and the nonpayment of wages. Their freedom to move in search of new employment is limited further by the system of residency permits which, although illegal, is still in use in cities such as Moscow and St. Petersburg (see Section 1.d.). Other workers effectively are tied to enterprises that can only give them credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Because of the inability of local employment agencies to provide benefits or to absorb laid-off employees from some factory towns, local governors and mayors often overturn the enterprises' decisions to lay off workers who are not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibit the movement of workers. By decriminalizing the nonpayment of wages and by tolerating the existence of residency permits, the Government has restricted even further the mobility of labor.

The law establishes minimum conditions for workplace safety and worker health; however, the federal labor inspectorate within the Ministry of Labor lacks the financial and human resources to enforce these standards effectively. Workers wear little protective equipment in factories, enterprises store hazardous materials in open areas, and smoking is permitted near containers of flammable substances. Funds remained limited for safety and health in the workplace.

The Labor Code provides workers with the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, labor inspectorate resources to enforce this right remained limited. In addition workers are entitled to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions. However, the pressure for survival often displaces concern for safety, and the risk of industrial accidents or death for workers remained high, although reliable statistics on accident and death rates at the workplace were not available. There continued to be reports of miners removing the supports from mineshafts and selling them for scrap metal. Doctors and nurses have been known to sell health and safety equipment at hospitals to patients' families in order to supplement salaries that often remain below the minimum subsistence level.

After repeated requests went unanswered, in September 2000 members of a St. Petersburg local locomotive engineers' union sued management to obtain information on health and safety risks associated with their work and measures taken to address these problems. The workers based their case on a federal law that grants employees the right to obtain information on their working conditions and occupational hazards. The court ruled in favor of management, and the workers' requests for information went unanswered.

Foreign workers residing and working legally in the country are entitled to the same rights and protections provided to citizens under the law. Foreign workers residing and working illegally in the country may be subject to deportation but may seek recourse through the court system. There were credible reports of several thousand Ukrainians and Belarussians living and working illegally in Moscow and other larger cities for significantly lower wages and under generally poor conditions. The labor code prohibits forced or compulsory labor; however, there are reports that foreign workers have been brought into the country to perform such work (see Section 6.C.).

#### f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although other provisions of the law may be used to prosecute traffickers; trafficking in women and children was a problem. There are no reliable estimates of its scope, but observers believe that trafficking is widespread. There were reports that the corruption of government officials facilitated trafficking.

The Russian Federation is a country of origin for trafficking in persons, especially in the trafficking of women. Women reportedly were trafficked from Russia to European Union countries, the Middle East, Asia, and the U.S. For example, reportedly 15,000 women and children were trafficked into "sex slavery" in China. Some believe that fraud statutes could be used as a basis for the prosecution of those who arrange for the contracting and transportation of the victims, but also that an international cooperative law enforcement investigation would be required to establish such a link, an effort beyond the capacity of many local law enforcement organs. The country also serves as a transit and destination country for women trafficked from the Caucasus and Central Asia to Western Europe. There are reports that women from Tajikistan, Ukraine, and other countries of the former Soviet Union are trafficked to Russia. There also were reported cases of Korean women trafficked to the country. NGO's alleged that organized crime increasingly is involved in trafficking in women and children, but reliable data is not available.

According to U.N. statistics, 63 percent of the registered unemployed are women, and many women are single parents facing a sharp decrease in social services since the end of the Soviet welfare state. These factors render increasing numbers of women from all educational backgrounds vulnerable to traffickers.

Advertisements offering high paying jobs abroad to young and attractive women were extremely common. MVD officers report that most traffickers are criminal groups recruiting under the guise of employment agencies. Many traffickers place ads in newspapers or public places for overseas employment; some employ women to pose as returned workers to recruit victims; some place Internet or other ads for mail order brides; some were recruited by partners or friends. Women respond to such advertisements, usually paying their traffickers a fee for the service, for the visa assistance, for their ticket, and often for other expenses. Upon arrival they are deprived of their travel and identification documents, and often all other personal effects, and forced to work in prostitution and other industries. Victims also were threatened with violence and told they were in violation of local law to frighten them away from local law enforcement. They were isolated linguistically and removed from their social and family support systems, rendering them totally dependent upon their traffickers.

According to credible media reports, some employers force workers from countries the former Soviet Union--such as Uzbekistan--to work without pay. Employers or the individuals who brought the workers into the country withhold the workers' passports or other documentation and threaten them with exposure to law enforcement or immigration authorities if they demand payment. At times the recruiter demands part or all of the worker's wages to avoid deportation.

There are reports of children being kidnaped or purchased from parents, relatives, or orphanages for sexual abuse, child pornography, and the harvesting of body parts. When police investigate such cases, in some instances they find that these children were adopted legally by families abroad; however there were confirmed cases of children trafficked for sexual exploitation. National law enforcement authorities believe that there is a brisk business in body parts, but international law enforcement and other organizations found no evidence to support this claim.

Trafficking also is alleged to occur within the country's borders, in the form of transport of young women from the provinces to the major cities to work as strippers and prostitutes. The more remote and impoverished the region the more vulnerable persons are to enticement. Many believe that these young women get involved voluntarily in prostitution; however, police confirm that there is an element of coercion involved in prostitution that involves organized criminal groups. Men also reportedly are trafficked for their physical labor. There are also reports that senior military officers have sometimes rented out their subordinates to private employers of other military units.

There were reports of individual government officials taking bribes from individual and organized trafficking rings to assist in issuing documents and facilitating visa fraud. Law enforcement sources agree that often some form of document fraud is committed in the process of obtaining external passports and visas, but they are uncertain to what extent this involves official corruption rather than individual or organized criminal forgery and fraud. There were reports of prosecutions of officials involved in such corruption. The penalty for violating border laws with fraudulent documents was up to 3 years. The penalty for taking bribes is 3 to 7 years. Those who were charged with more than one crime received heavier sentences.

No specific legislation addresses the problem of trafficking, nor has the Government established special task forces. Several articles of the Criminal Code may be used to prosecute trafficking effected by force. For example, the law provides for a punishment of up to 5 years' imprisonment for the unlawful violation of Russian borders by a "group of persons in prior arrangement or by an organized group either using violence or the threat of violence." The law prohibits forcing a person into sexual activity, drawing a person into prostitution by force or threat of force, and organizing and maintaining a house of prostitution. The law punishes those who use forged documents to smuggle persons across a border; crossing the country's borders without required documentation is punishable by a fine or imprisonment of up to 2 years. However, under the law, it is extremely difficult to prosecute a trafficker who persuades an adult victim to leave the country with him voluntarily, even for purposes of prostitution. It is much easier to prosecute a trafficker of minors, although the age of consent is 14. Prostitution is not a crime, although a revision of the administrative code during the year made prostitution and pimping administrative violations (see Section 5). Traffickers most often are prosecuted for document fraud, if at all. However, the government rarely investigates or prosecutes cases of trafficking of adults. Using fraud laws, Kareliya oblast authorities attempted to prosecute individuals who trafficked young women to the U.S. Oblast authorities were unable to establish that the Russia-based company knew that the women would be defrauded once they were in the U.S. The authorities consider that most of the illegal activity such as forced labor, sexual abuse, and deprivation of wages, takes place outside the country's borders and therefore is not within their jurisdiction.

Law enforcement bodies take the trafficking of children more seriously. During the year, with the help of foreign law enforcement agencies, authorities were able to break up three major domestic child pornography rings during the year, which the police believe victimized hundreds of children.

Government officials at the highest level, and most law enforcement agencies, acknowledge that a trafficking

problem exists. Law enforcement bodies take no specific measures to prevent the export of women for the purpose of sexual exploitation. The belief that women are aware of the risks involved but choose to go anyway is pervasive. Criminal prosecution generally follows cooperation with international law enforcement structures. The Ministry of the Interior (MVD) believes that the problem of trafficking in persons is primarily the responsibility of the Ministry of Foreign Affairs and consular services abroad. In October President Putin shifted all responsibility for migration and immigration issues to the MVD, including trafficking. Interior Minister Gryzlov established a commission to develop programs for addressing problems including trafficking. The MVD, the FSB, and the Procuracy seek to cooperate with foreign governments on ways to combat trafficking and law enforcement agencies have participated in foreign funded training programs; however, these agencies were not optimistic about reversing the trend through law enforcement alone. They all state that better legislation is necessary before any law enforcement response is possible. By year's end, no such legislation had been introduced, and no Duma member had indicated an intention to make this a priority.

NGO's claimed that Russian consular officials abroad refuse to help trafficked women. The women selected for trafficking rarely speak the language of the destination country and often are told by their traffickers that they are in violation of local law and will be prosecuted themselves if they turn to local authorities; as a result they rarely seek the assistance of local authorities. Victims rarely file complaints against the agencies that recruited them once they return to Russia, reporting that fear of reprisals often exceeds their hope of police assistance. Law enforcement authorities acknowledged that they rarely open a case following such complaints because often no domestic law was broken, and law enforcement authorities are evaluated according to the number of cases they close. During the year, Interior Minister Gryzlov denounced this practice and called for a system of evaluations based on service to the community; however, by year's end no such alternative had been implemented.

There are no government initiatives to bring trafficking victims back to the country. Unless deported by the host country, women must pay their own way home or turn to international NGO's for assistance. Women reported that without their documentation, which is often withheld by traffickers, they receive no assistance from Russian consulates abroad.

The Government does not provide direct assistance to trafficking victims. Victims of trafficking can turn to a crisis center or other NGO's that render assistance to female victims of sexual and other kinds of abuse (see Section 5). Many of the over 55 crisis centers and NGO's throughout the country provide information on trafficking, and some provide assistance. NGO's that are members of the "Angel Coalition" claim to have rescued a few women and have assisted several trafficking victims to reintegrate upon return to the country. These NGO's receive varying degrees of support from regional and local governments. Some are invited to brief local officials and law enforcement personnel, and some provide training to local crisis centers and hospital staff. Some foreign funded crisis centers, such as the Anna Crisis Center in Moscow and the Women's Center in Kareliya Oblast provide psychological consultations for trafficking victims. The NGO Internews produced a series of television public service announcements and for television and radio spots designed to raise awareness of trafficking, created a short video to educate potential trafficking victims, and ran a campaign to encourage production of news reports on trafficking cases and issues.